

Service Appeal No. 868/2019

Date of Institution ... 20.08.2018

Date of Decision ... 14.01.2021

Iftikhar Khan, Assistant (BPS-16),
Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and three other
respondents.

... (Respondents)

Mr. IFTIKHAR KHAN,
Appellant

--- In person.

MR. RIAZ AHMAD PAINDAKHEIL,
Assistant Advocate General

--- For respondents.

MUHAMMAD JAMAL KHAN
MIAN MUHAMMAD
ATIQ-UR-REHMAN WAZIR

--- **MEMBER (Judicial)**
--- **MEMBER (Executive)**
--- **MEMBER (Executive)**

JUDGEMENT:

MUHAMMAD JAMAL KHAN, MEMBER:- By virtue of the
instant service appeal submitted under Section-4 of the Khyber
Pakhtunkhwa Services Tribunal Act, 1974, the vires of notification/rules
dated 03.04.2018 have been challenged.

2. That on establishment of the Khyber Pakhtunkhwa Services
Tribunal, while adhering to the provisions contained in Article 212 of the
Constitution of Islamic Republic of Pakistan the Service Tribunal has
been conferred exclusive jurisdiction in the matter pertaining to terms
and conditions of civil servants of the Province, Appellant being a civil
servant is also rendering duties as Office Assistant in BPS-16 in this

Tribunal since 25.08.2017 and he is acting as such to the entire satisfaction of his higher-ups. On 03.04.2018, the Secretary Establishment Department Khyber Pakhtunkhwa Civil Secretariat, Peshawar, notified Service Rules which are not only irrational but also disadvantageous to the service career of appellant as the number of officials working in each cadres and their prospects of promotion have not been brought under consideration. For bringing the matter into the notice of competent authority, departmental appeal was moved on 24.04.2018 waiting for the expiry of the statutory period but without having any response, therefore having no other adequate remedy the instant service appeal was instituted.

3. Respondents were summoned, in compliance thereof they attended the Tribunal through their authorized representative thereby controverting the claim of appellant by submitting reply/comments by raising legal and factual objections.

4. We have heard arguments of the appellant as well as learned Assistant Advocate General and were able to go through the record on file with their valuable assistance in view of which our findings are recorded in the following paras.

5. Here it is deemed appropriate to mention that in the past due to split judgment, pro and contra of the Divisional Bench of this Tribunal one Hon'ble Member declared and accepted the appeal whereas the other Hon'ble Member dismissed the same, therefore, the instant appeal was referred to Larger Bench for the decision.

6. Before embarkation on adjudicating the issue involved in the instant case it is appropriate to have a look at the arguments advanced by the appellant himself. According to appellant in the service structure there are three contestants/aspirants for a single post of Registrar in BPS-18, that are, Additional Registrar, Superintendent and Budget & Accounts Officer all holding posts in BPS-17, according to the rules notified for the Ministerial Establishment of the Service Tribunal separate rather distinct seniority lists have been provided for all cadres. For Law Drafter and Assistant Registrar both falling in BPS-16 each cadre having one post has to be promoted to the post of Additional Registrar. As regard Office Assistants holding nine posts in BPS-16 have

to be promoted to the post of Superintendent (BPS-17) and still further a Cashier-cum-Assistant holding BPS-16 having one post has to be promoted as Budget & Accounts Officer in BPS-17. It is worth to be noted that seniority list of all the three cadres have been merged when the official of each cadre attains BPS-17 where-after a common seniority list have to be maintained. Appellant opined that while keeping in view the number of posts available for Office Assistant holding BPS-16 which are nine in numbers whereas other cadres of Additional Registrar and Budget & Accounts Officer having two and one post respectively would be promoted to higher grade with accelerated pace as compared to the chances of promotion available to the Office Assistants when he is promoted to BPS-17 on his turn thus having dismal chances of promotion and at the same time lagging behind by remaining junior to the lateral entrants in service. That except the post of Law Drafter qualification for all the remaining posts is a Bachelor Degree and B.Com. While keeping in view the principles of parity and maintaining equilibrium such scheme of things as provided in the rules would not uphold the cardinal principles of justice, therefore, he submitted that each official having different cadre but having the same grade should have equal chances of promotion, he placed reliance on **PLD 1980 S C 153**, wherein it has been held that Article 212 read with Civil Servants Act, 1973, Section-25 of the Act ibid vires of rules competency to determine-Rules having altered terms and conditions of service, bar of Article 212 applicable with full force- question of vires of rules vis-à-vis with section-25 of Civil Servants Act, 1973, in such exercise to be necessarily considered vide citation (e) and last two paras of the aforesaid judgement. He referred to **1991 SCMR 1041**, wherein it has been held that if a statutory rule or a notification adversely affects the terms and conditions of a civil servant, the same can be treated as an order in terms of Section-4 (1) of the Service Tribunal Act (LXX of 1973) and can file an appeal in the Service Tribunal, even if the fundamental rights of a civil servant are bypassed or violated, it has been further provided in the aforesaid dictum that all citizens are equal before law and entitled to equal protection of law, state however is not prohibited to treat its citizens on the basis of reasonable qualification vide citations (d), (e), (l) of the referred to dictum. He referred to **PLD 2004 S C 317**, wherein it has been held if

an objection is raised qua the validity of amendment in the rules by a civil servant on the ground that the same had adversely affected his right in the service as to promotion, jurisdiction of the High Court was barred by virtue of Article 212 of the Constitution. It was ordained that the civil servant should approach the Services Tribunal for redressal of his grievance, which was vested with the jurisdiction not only to go in to the question of validity or vires of the rules qua right of such a civil servant but also the question of mala-fides if raised in the appeal vide citation (b) and para-5 of the referred to judgement. While making reference to **2002 PLC (C.S) 94**, vide discussing the vires of Section-4 of the Services Tribunal Act (LXX of 1973) vis-à-vis the Constitution of Pakistan 1973 Articles 199 & 212 it has been held that the matter relating to the terms and conditions of service would not come within the jurisdiction of the High Court- even if a statutory rule was ultra vires, the Services Tribunal would have the jurisdiction to strike down the same vide para-8 of the referred to judgement. He referred to **2012 PLC (C.S) 142**, while discussing the scope of Section-4 (1) of the Balochistan Services Tribunal Act, 1974, that appeal challenging the vires of law, statutory service rules or notification adversely affecting terms and conditions of civil servants such law/rules/notification could be in turn an order in term of Section 4 (1) of Balochistan Services Tribunal Act, 1974, and could be challenged in an appeal before Services Tribunal. It has further been provided that the jurisdiction conferred upon Services Tribunal is not limited and all service matters including vires of service laws can be challenged before it vide citation c of the referred to judgement. Similar question of jurisdiction has also been tackled in **2012 PLC (C.S) 1211**. He made reference to **2015 PLC (C.S) 215**, it has been held categorically that the Services Tribunal has got exclusive jurisdiction to entertain and adjudicate upon the matters relating to the right to be considered for promotion to a higher grade vested in the Khyber Pakhtunkhwa Services Tribunal Act, 1974, vide citation-a read with para-12 of the referred to judgement. He referred to **2018 PLC (C.S) 40**, wherein it has been held unequivocally that the Service Tribunal was fully competent to entertain and decide the cases wherein vires of Service Rules or notification had been challenged on the touch stone of being violative of Fundamental Rights and to direct the authority for framing such rules beneficial to the

prospect of promotion of civil servants and was held that the claim of petitioner/employees would fall in terms and conditions of service vide citation (a) and paras-10 & 11 of the referred to judgment. He referred to **2019 PLC (C.S) 995**, wherein it has been held that the vires of rules could be challenged before Service Tribunal vide summarized para at the inception of judgement read with para-7 ibid of the referred to dictum. He made reference to Services Appeal No. 231/2011 Captioned Mian Farooq Iqbal Versus Mines and Minerals Department Khyber Pakhtunkhwa decided on 19.01.2013, the rules in vogue in the Mines and Minerals Department till 16.10.2010 were revoked and new rules were notified where clause-b of the rule was replaced on mala-fide intention which notification was set-aside by dent of which rules were notified on 17.10.2010 by restoring clause-b of notification No. SOI(IND)1-688-Vol-V dated 10.12.2003 and furthermore that promotion to be made strictly keeping in view section-9 (2)(a)(b) of Civil Servants Act, 1973, and Esta Code directions. He placed reliance on Service Appeal No. 1218/2011 titled Fozia Shehzadi Versus Education Department Government of Khyber Pakhtunkhwa decided on 19.12.2017, wherein the department of Elementary & Secondary Education Government of Khyber Pakhtunkhwa amended method of recruitment in exercise of the powers under sub-rule 2 of Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 which changed the qualification for promotion, was challenged to be ultra vires of the Fundamental Rights and it was held by this Tribunal that it is now a settled position of law that vires of any rules or law touching the terms and conditions of civil servants can be decided by this Tribunal and reference was made to the dictums laid down in **PLD 1980 Supreme Court 153 and 1991 SCMR 1041** which were stated to be much clear, therefore, it was held that this Tribunal has the jurisdiction to look into the vires of law and rules touching the terms and conditions of the Civil Servants vide para-6 of the referred to judgement. He placed reliance on **PLD 1990 SC 1092**, while elaborating discretion, it has been held that where ever wide worded powers conferring discretion exist, there remains always the need to structure the discretion and courts when can interfere with the discretion vide citation (s) of the judgement. In **1997 SCMR 1804**, it has been held that the general principles that discretionary decision

should be made according to rational reasons needs (a) that there be findings of primary fact based on good evidence and (b) that decision about the fact be made for reasons which serve the purpose of the statute in an intelligible and reasonable manner. The actions which do not meet these threshold requirements are arbitrary and may be considered a misuse of powers vide citation (c) of the referred to dictum. In **1999 SCMR 467**, while elaborating Article 25 of the Constitution of Pakistan wherein the principles of equality of citizens has been enunciated, it has been held that Government is not supposed to discriminate between the citizens and its functionaries cannot be allowed to exercise discretion at their whims, sweet will or as they please rather they are bound to act fairly, evenly and justly vide citation (a) of the referred to dictum. He made reference to **2005 SCMR 25**, wherein distinction has been drawn in discretionary decision and arbitrary decision it was held that discretionary decisions should be made according to rational reasons. In discretionary decision there must be findings of primary facts based on good evidence and the decision about the fact be made for reasons which serve the purpose of statute in intelligible and reasonable manner and the actions which do not meet the threshold requirements are arbitrary and may be considered as misuse of powers. It has further been held that discretion powers have certain pre-conditions and that are seven instruments useful in structuring of discretionary powers, are open plans, open policy statement, open rules, open findings, open reasons, open precedents and fair informal procedure. Still further it has been held that functionaries of any organization or establishment cannot be allowed to exercise discretion at their whims, sweet will or in arbitrary manner, rather they are bound to act fairly, evenly and justly vide citation (c) (d) (e) para-15 of the referred to judgement. He placed reliance on **2015 SCMR 630**, while discussing Section-24-A of the General Clauses Act, (X of 1897) wherein it has been held that the executive authority having discretionary powers, its exercise and scope--when legislature conferred a wide range of power it must be deemed to have assumed that the powers would be firstly, exercised in good faith, secondly, for the advancement of the objects of the legislation, and, thirdly, in a reasonable manner--- where the authorities failed to regulate their discretion by the framing of rules, or policy statements or

precedents it became mandatory for the courts to intervene in order to maintain the requisite balance for the exercise of statutory powers vide citation (e) and para-10 of the referred to dictum. He made reference to **2015 SCMR 1257**, wherein it has been held that every public functionary is supposed to function in good faith, honestly and within the precincts of his powers so that person concerned should be treated in accordance with law as guaranteed by Article-4 of the Constitution. It has also been held that the objects of good governance cannot be achieved by exercising discretionary powers unreasonably or arbitrarily and without application of mind but the objective can be achieved by following the rules of justness, fairness, and openness, in consonance with the command of the Constitution enshrined in different Articles including Articles 4 & 25 vide paras-11 & 12 of the referred to judgement. He made reference to **PLD 2017 Sindh High Court 690**, wherein it has been held that when legislature confer powers on the government to frame rules, it is expected that such powers have been used only bonafide, in a responsible spirit and true interest of public and in furtherance of the object for attainment of which such powers have been conferred---powers conferred upon government to frame rules is not unlimited but subject to certain per-requisites and pre-conditions---unlimited right of delegation is not inherent in legislative power itself---court may reject a regulation as invalid and ultra vires if it fails to comply with statutory essential. It has also been held that where authority failed to regulate their discretions by framing of rules, policy statements or precedents, it becomes mandatory for courts to intervene in order to maintain requisite balance for exercise of statutory powers vide citations (c) & (d) and para-15 (a) (b) (c) (f) (g) (h) (i) of the judgement.

77. The appellant pointed out that the Khyber Pakhtunkhwa Services Tribunal had submitted draft rules and dispatched it to SSRC but the same have not been brought under consideration by the forum concerned without assigning any reason. Appellant referred to Section-24-A of the General Clauses Act, 1897, elaborating that when powers are conferred on the authority, it has to be exercised reasonably and also referred to **Sections 21 and 23 of the Act *ibid***. Registrar of the Khyber Pakhtunkhwa Services Tribunal represented the institution at

the SSRC but was not able to emphatically forward the stance of the institution thus remaining just a signatory to the same. He further placed reliance on **2018 SCMR 598** wherein it was held that the terms and conditions of service cannot be unilaterally altered by the employer to the disadvantage of the employees vide citation (a) and para-6 of the judgement. The office of Registrar Khyber Pakhtunkhwa Services Tribunal has to perform functions of Trio nature i.e scrutiny of record, judicial and accounts. A person rich in experience in manifold fields and spheres would contribute to proper functioning of the office of Registrar and such a scheme of things could not be ensured when seniority of different cadres have been split. He submitted that when they are on better footing or in a position of advantage, reference is being made to the issue of specialization but when they have no such advantage no reference to it at all is being given. **He referred to Article 25 & 38E of the Constitution of Islamic Republic of Pakistan wherein it has been held that all citizens are to be treated equally ruling out possibilities of discrimination.** He further placed reliance on **2003 PLC (C.S) 965**, wherein it has been held that state subjects are equal before law and are entitled to equal protection of law---state subject could not be discriminated or refused their rights of services---rights of service would mean and include appointment, promotion and all other ancillary matters attached to the service of a citizen. It has further been held that rules prescribed being subservient to the original Act--- any rule enacted in derogation of original Act or defeating the spirit of the constitution could not be allowed to prevail vide citations (c) (d) of the referred to dictum. In **2015 PLC (C.S) 1495**, similar principle has been laid down while making reference to Article 25 of the Constitution of Pakistan vide citation (b) and para 12 of the judgement he added. He placed reliance on **2004 CLD 260**, while discussing mala fides it was held that an action taken with mala fides is an action taken maliciously for personal motives whether to hurt the person against whom action is taken or to benefit oneself. The term mala fides is equated with bad faith. Some of the instances of mala-fides are evasion of the spirit of bargain, lack of diligence and slacking off, willful tendering of imperfect performance; abuse of a power to specify terms and interference with or failure to cooperate in the other party's performance vide citation (c). He placed reliance on **2010 SCMR 511**,

wherein it has been held that no employee had vested right in promotion but where rules, regulation and policy had been framed for appointment or promotion for mala-fide reason or due to arbitrary act of the competent authority, aggrieved person was entitled to challenge the same vide citation (e) of the referred to judgement. He further submitted that in other departments such as Education, Agriculture, Live Stock and C&W similar principles have been adopted by maintaining common seniority list of the officials having the same grades but holding different cadres. He submitted that adoption of the rules in other departments in the circumstances is indispensable, for full delivery of services by each and every official of the Services Tribunal, therefore, providing for efficient service structure is need of the hour and norm of the day. He placed reliance on **2010 SCMR 511** and submitted that the acts done in the promulgation and adoption of rules suffers from elements of mala-fide.

8. On the contrary, the learned Assistant Advocate General contended that the notion regarding the lesser chances of promotion is just a misnomer having no nexus with ground reality. The present appeal is not competent due to conduct of appellant who is estopped to have recourse to this Tribunal. In fact the Registrar of this Tribunal has attended the meeting of SSRC and has participated in the rules framing process, the rules are based on sound reasons and are consensus oriented which are not just whimsical rather having a pragmatic approach to the actual realities. As regard the assertion of appellant regarding mala-fide the learned Assistant Advocate General submitted that it is in fact an abstract concept carrying broad implications, no mala-fide could be attributed to the rules framing bodies. Whether there was any mala-fide on the part of rule framing body with the rest of officials who have greater chances of promotion while exemplifying that a Primary School Teacher is required Bachelor of Science qualification whereas at the eve of his retirement he would reach Grade-16 although channel of promotion are open to him or he can become District Education Officer or even a Director of the institution. For Senior English Teacher the criteria of qualification is the same. While making reference to the post of Law Drafter he submitted that the holder of the same post in the High Court is having grade 17 whereas the appointment of

the Civil Judge is made in BPS-18. As regard the job descriptions of various posts of distinct cadres the appellant remained mum. The appellant has not made recourse to this Tribunal with clean hands as he has instituted the present case on petty grounds with mala-fide intention and intends to infringe upon the rights of other employees of the Tribunal. However, the prospects of promotion is just like pyramid which narrows down in every department in higher scale. The Service Rules were notified after thorough deliberation by the SSRC Committee in which the representative of Services Tribunal was also present and all the stake holders have developed consensus while finalizing the service rules. He placed reliance on **2015 SCMR 269** (citation d) that under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, a criteria has been laid down and domain has been provided which falls exclusively within the ambit of the concerned department/legislature, therefore, extinguishing right of appellant. He placed reliance on **2019 PLC (C.S) 995** and submitted that the government has prerogative to frame rules which fall within its exclusive domain. He placed reliance on **2019 PLC (C.S) 282, 2018 PLC (C.S) 1135** that every legislation is subject to judicial review. It is not a vested right of a civil servant to seek amendment in the rules.

9. The perusal of record clarifies the fact that there are four different cadres working in this Tribunal i.e the Law Drafter (BPS-16) one post, Assistant Registrar (BPS-16), Cashier-cum-Assistant (BPS-16) and Office Assistant (BPS-16). Out of the four cadres, the officials of former three cadres are having one post each whereas the cadre of Office Assistant have nine posts. The academic qualification for initial recruitment to the post of Law Drafter (BPS-16) is L.L.B, for Assistant Registrar and for the Office Assistant a Bachelor Degree is required whereas for Cashier-cum-Assistant qualification is D.Com. According to the rules notified, there are just two posts of Grade-16 to be promoted to the post of Additional Registrar (BPS-17) i.e Law Drafter and Assistant Registrar, a Cashier-cum-Assistant is having a single post to be promoted as Budget & Accounts Officer (BPS-17) whereas the Office Assistants (BPS-16) have nine posts to be promoted to a single post of Superintendent (BPS-17). On attainment of promotion in BPS-17 a common seniority list has to be maintained who in turn would get promotion to the single post of

Registrar (BPS-18) on the principle of seniority-cum-fitness. Thus while looking at the scenario in this context, the Law Drafter and Assistant Registrar as well as Cashier-cum-Assistant would have rapid chances of promotion as compared to the promotion chances of Office Assistants (BPS-16). The question arises that when the holders of all the three posts sans Law Drafter having more or less the same academic qualification whether they should not have equal chances of promotion? For best delivery of services and for amelioration of the lot of the public at large, each cadre should have equal chances of promotion so that no official of any cadre have a feeling of discrimination. How an official can render duties to the best of his abilities in the public interest when he is not provided equal chances of promotion and are thus discriminated. The officials of each cadre would have a bright career when the channel of promotion is open to all equally so that the possibility of deprivation of one cadre at the cost of other is ruled out subject to an exception of Law Drafter who stands on a high pedestal as far as his respective qualification is concerned, therefore, a mechanism can be set making of his adjustment in the seniority list at appropriate place, however, maintaining of equilibrium for the entire set of the officials by maintaining a common seniority list would be the only solution for addressing the problem. When the seniority of the officials have later on being merged when they get promotion in BPS-17 whether it cannot be equated at initial stage. The guiding principles for formulation of rules should be devised in a manner to safeguard the rights of all and similarly placed employees who are to be treated across the board. A single institution having different categories of services must have rules devised in such manner to provide equal opportunity of promotion. Since all the employees are part of the same institution, therefore, employees of one set of cadre can conveniently get adequate knowledge of other cadres and in this regard appropriate opportunities can be provided by making internal arrangements. While giving effect to the rules the case of Office Assistants have not been taken care of or taken into account vis-a-vis other office holder resulted into infringements of their rights. The rules must not have a negative impact on employees of one cadre at the cost of other employees serving in other cadres. Such a scheme of thing shall definitely distort and malign the whole atmosphere and a workable peaceful environment and a

smooth working with cohesion would be an impossible phenomenon having a negative impact on the overall performance of the institution the ultimate sufferer of which would be civil servants and their dependents. Injustice or discrimination of course begets a sense of deprivation leading to distortion in thoughts entailing on the mental cognitive faculties, which play havoc by creating chaos which are elements detrimental to the public serenity which unbalances the whole fabric of society. It destroys career, to handicap families which results in financial problems. Discrimination which leads to a sense of deprivation rather consternation foreclosing the doors of creative mind the beginning of this sort of tension results into the end of talent. Accordingly, healthy mental activities abates. When there are no creative minds or there is dearth of creative minds the progress of institution stops and its down fall commences which have a far reaching repercussions on other institution and the society at large, therefore ensurance of complete justice can be ensured only when similarly placed employees are treated at par without an iota of discrimination.

10. The reasons assigned in the preceding paras are to be converged on a single principle to give effect to the rules in a concrete form by devising of a mechanism so that the issue is addressed in a manner to give everyone his due otherwise the action so taken would have momentous consequences. The SSRC which seized with the matter must have acted in perspicacity by encompassing all aspects and facets so that the accomplishment so made should have not resulted into deprivation of one cadre. Formulation of rules for promotion must be in a way to have equal avenues of promotion for each cadre which is not possible without merger of seniority list by maintaining common seniority list at all levels indiscriminately. Similar principles of maintaining a common seniority list of officials having different cadres but the same grade and working in the same institution/department have been provided such as C&W Department, Agriculture Department, Mines and Minerals Department and Irrigation Department etc. Such actions, acts are explicitly in contravention of **Section-24-A of the General Clauses Act, 1897** and violative of **Articles 25 & 38-E of Constitution of Islamic Republic of Pakistan** wherein it has been provided that all citizens are to be treated equally ruling out possibility

of discrimination. The authorities referred to by appellant clearly enunciate when service rules are based on discrimination the Services Tribunal is conferred with jurisdiction to take cognizance of the matter and in this regard reliance is placed on the entire set of precedents produced by appellant in support thereof.

11. As regard conferment of discretionary powers on the competent authority/forum it has been provided in a number of precedents of the Hon'ble Supreme Court of Pakistan that it should always be exercised judiciously in a reasonable way without any sort of discrimination and to the prejudice of none. Certain principles of lofty nature have been laid down by the august Supreme Court of Pakistan adherence to which is a pre-requisite for exercising discretionary powers when it has been vested in the authority. The matter regarding exercise of discretionary powers is not paltry in nature and utmost care and caution is required, it must be for the betterment and good of all. The principles so laid down are seven instruments i.e useful in structuring of discretionary powers that are open plans, open policy statements, open rules, open findings, open reasons, open precedents and fair informal procedure, reliance in this regard is placed on **PLD 1990 Supreme Court 1092, 1997 SCMR 1804, 1999 SCMR 467, 2005 SCMR 25, 2015 SCMR 630, 2015 SCMR 1257, PLD 2017 Sindh 690.** The jurisdiction of the Services Tribunal is not limited and all service matters falling within the ambit of service rules can be challenged before it when statutory rules or a notification adversely affecting the terms and conditions of a civil servant and the same can be treated an order passed under the provision of the Service Laws.

12. No evidence has just emanated that prior to the promulgation of the subject rules, the Draft rules were circulated to obtain opinion of the employees who are to be regulated under those rules by providing a service structure whether the rights of the civil servants have not be infringed when the modalities required were not set in motion? The consultative process must have preceded before finalizing and giving effect to the rules as it has put some of the employees at disadvantageous position as compared to the case of others, thus violative of **Section-23 of General Clauses Act, 1897**, therefore, the recasting of the rules in the circumstances becomes essential,

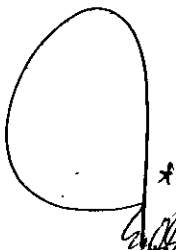
therefore, unless and until the issue involved is tackled and necessary, appropriate modification and amendments in the rules are made for the purpose of maintaining the joint seniority list of the officials the anomaly and grievance shall remain in the field unresolved and unsettled.

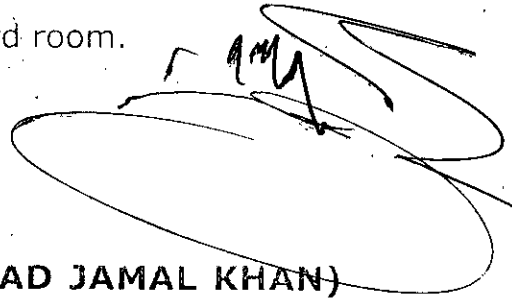
13. As regard the dictums relied upon by the learned Assistant Advocate General appearing on behalf of respondents in utmost deference and regard thereto the principles laid down in the precedents relied upon by appellant viably resolve the controversy vis-à-vis the precedents relied upon by the learned Assistant Advocate General. While looking at the human conduct the chances of errors and mistakes are there and a forum must be there to have jurisdiction in the matter to address the issue otherwise the inevitable result would be perpetuating the anomaly to the entire prejudice of the sufferers. Needless to mention here that government has been invested with powers to frame rules but in accordance with the true spirit of the law and precedents referred to above.

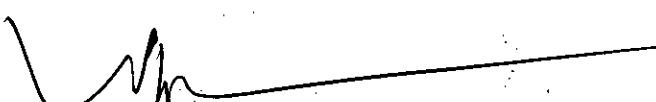
14. The upshot of what has been discussed above is that on the acceptance of the instant appeal respondents are directed to give effect to the rules in the light of observations made above. Parties are left to bear their own costs. File be consigned to the record room.

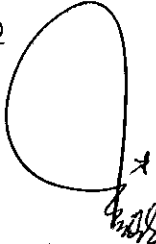
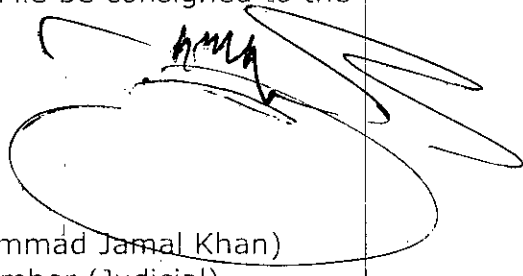
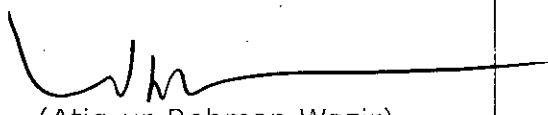
ANNOUNCED

14.01.2021


 (MIAN MUHAMMAD)
 Member (Executive)


 (MUHAMMAD JAMAL KHAN)
 Member (Judicial)


 (ATIQ-UR-REHMAN WAZIR)
 MEMBER (Executive)

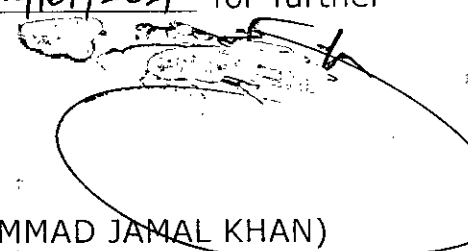
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	14.01.2021	<p><u>Present.</u></p> <p>Mr. Iftikhar Khan, Appellant ... In Person.</p> <p>Mr. Riaz Ahmad Paindakheil, Assistant Advocate General ... For respondents.</p> <p>Vide our detailed judgement of today, on the acceptance of the instant appeal respondents are directed to give effect to the rules in the light of observations made in the judgment. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 14.01.2021</p> <p> (Mian Muhammad) Member (Executive)</p> <p> (Muhammad Jamal Khan) Member (Judicial)</p> <p> (Atiq-ur-Rehman Wazir) Member (Executive)</p>


16.12.2020

Appellant is present in person. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General and Mr. Kabirullah Khattak, Additional Advocate General, for the respondents, are also present.

We have already heard arguments on the merits of appeal however, there are certain points involved on which discussion and further deliberation of the bench continued as a result of which it was unanimously decided that the Service Rules of the Ministerial Establishment of the remaining three Provinces are not before the Tribunal for perusal, scrutiny and appropriate order, therefore, Mr. Kabirullah Khattak the learned Additional Advocate General was summoned directing him to contact the offices concerned for the procurement of the requisite rules alongwith hierarchical structure of their Ministerial Establishment for placing it before the Members of the Bench. Since time was sought for furnishing of requisite information, the time was allowed and the appeal is adjourned to 14/01/2021 for further proceedings/order.


(MIAN MUHAMMAD)
(MEMBER EXECUTIVE)

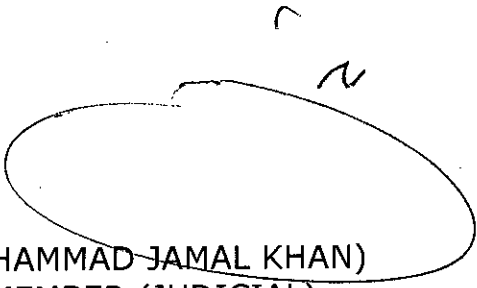

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

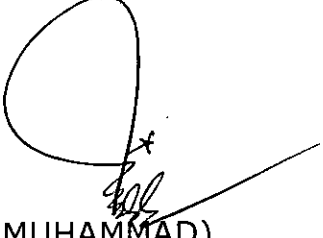
10.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 03.12.2020 on which date to come up for arguments before the Larger Bench.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

03.12.2020

Appellant is present in person. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General and Mr. Zar Muhammad, Assistant, for the respondents, are also present.

Arguments heard. File to come up for order on 16.12.2020.

(MIAN MUHAMMAD)
(MEMBER EXECUTIVE)

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

12.03.2020

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG alongwith ~~Sultan Shah~~^{Asstt} for the respondents present.

The Worthy Chairman is on leave, therefore, the bench is incomplete. The matter is adjourned to 11.06.2020 for arguments before the Larger Bench.



(Muhammad Hamid Mughal)
Member



(Hussain Shah)
Member

11.06.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak Addl. AG for the respondents present.

Due to incomplete Bench, the matter is adjourned to 20.08.2020 for arguments before the Larger Bench.



Chairman

20.08.2020

Due to summer vacation case to come up for the same on 10.11.2020 before Larger Bench.



Reader

868/2019

16/12/2019

Be laid before a larger bench minus the hon'ble members having the difference of opinion. To come up for further proceeding/arguments on 13/01/2020.


Notices to the parties be issued accordingly.



Chairman

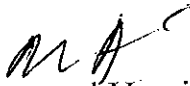
13.01.2020

Appellant in person present. Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 07.02.2020 for arguments before Larger Bench.


(Chairman)


(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

07.02.2020

Appellant in person and Addl. AG for the respondents present.

Due to incomplete Bench, the matter is adjourned to 12.03.2020 for arguments before the Larger Bench.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 868/2019

Date of Institution ... 20.08.2018

Date of Decision ... 04.10.2019

Iftikhar Khan, Assistant (BPS-16), Khyber Pakhtunkhwa Service Tribunal,
Peshawar. ... (Appellant)

VERSUS

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

PRESENT:

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

--- For appellant.

MR. M. RIAZ KHAN PAINDAKHEL,
District Attorney

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

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

ARGUMENTS

02. Learned counsel for the appellant argued that he was working as Assistant (BPS-16) in this Tribunal since 25.08.2017. That through notification dated 03.04.2018 respondent no.2 notified Service Rules for the employees of this Tribunal, whereby chances career progression for him and others are quite bleak. These rules have provided rapid avenues of promotion to some cadres, while others with same qualification/posts were deprived in a discriminatory manner, as such Article-25 of the Constitution alongwith Article-4 and 38-(e) were violated. In the impugned Service Rules the requisite

qualification for Assistant Registrar and Office Assistant is the same but the post of Additional Registrar (BPS-17) is to be filled by promotion from the post of Assistant Registrar and Law Drafter. There are nine posts of Office Assistants in the Service Tribunal and they have got one post of Superintendent for promotion. Similarly, the post of Budget and Accounts Officer is required to be filled by promotion from the amongst the holders of the post of Cashier-cum-Assistant. This anomaly is going affect all cadres of employees of this Tribunal. He further argued that the said rules needed amendments by maintaining joint seniority list of Assistant, Assistant Registrar, Law Drafter and Cashier-cum-Assistant for promotion to the post of Additional Registrar. Feeling aggrieved, the appellant filed departmental appeal which remained un-answered, hence, the present service appeal. Reliance was placed on case law reported as 1991 SCMR 1041.

03. Learned Assistant Advocate General argued that the newly notified rules provided ample prospects of promotion for all cadres of employees. These rules were framed after thorough deliberations and approval of SSRC in which representative of this Tribunal was also present. These were in no way discriminatory in nature as promotion was based on qualification, experience and specialization in the relevant field. Though seniority of Assistant Registrar was merged with Law Drafter but on the other hand Office Assistants have avenues of promotion to the post of Superintendent for which Assistant Registrar/Legal Drafter were not eligible.

CONCLUSION

04. Through the present service appeal, the appellant has flagged anomalies in the Service Rules notified by this Tribunal on 30.04.2018. The new Service Rules have

minimized the prospects of career progression of the appellant and others serving in this cadre. It would not be out of place to mention here that nine Office Assistant (BPS-16) would compete for promotion to the post of Superintendent (BPS-17), while on the other hand there was one post of Assistant Registrar (BPS-16), Law Drafter, (BPS16) and Budget and Accounts Officer (BPS-17). Separate seniority lists of these cadres would be maintained, which will adversely affect chances of further promotion of office Assistant/Senior Clerks etc. It merits to mention here that qualification for the post of Assistant Registrar (BPS-16) and Budget and Accounts Officer (BPS-17) was the same in addition to duties/responsibilities. They are primarily required to look after routine office work. It is quite strange Law Drafter for whom qualification of LLB has been proposed would also be eligible for promotion of Additional Registrar (BPS-17). Functions/Duties of the holder of this post would be altogether different from others. I am at a loss to understand about contributions of the holder of this post for this Tribunal. First of all the post of Law Drafter is not all required in this Tribunal, what to talk of providing him openings for further promotion. Furthermore, it is quite intriguing that draft rules proposed by this Tribunal were overruled by the SSRC without giving any justification. Our draft had proposed joint seniority list etc.

05. I have to candidly admit that performance of the staff of this Tribunal is dismal as they reached the present position by rising from lower rung. This trend can only be reversed by injecting fresh blood. The appellant being a Master Degree holder deserves fair chances of further promotion. It seems irrational and illogical to exclude the post of Superintendent (BPS-17) for promotion as Additional Registrar. A new entrant in service with only five years service as Assistant Registrar/Law Drafter would become eligible for promotion as Additional Registrar but Superintendent having rich office experience and

institutional memory would be out of the race, which is worst kind of discrimination. A newly inducted Assistant Registrar after rapid promotion as Additional Registrar would seal the fate of Superintendent for promotion as Registrar. It seems rational that Additional Registrar, Budget and Accounts Officer and Superintendent are eligible for promotion as Registrar, therefore, same criteria should also be prescribed for the post of Additional Registrar. In addition to above in most of the attached/line departments of the provincial government the post of Budget & Accounts Officer is filled by promotion of office Superintendent, whereas in the present case Cashier-cum-Assistant is eligible for promotion. It is against the established procedure being followed in majority of the departments referred to above. In order to provide fair chance of promotion amendments are required to be made in these rules by merging the seniority of Law Drafter, Assistant Registrar and Cashier-cum-Assistant for promotion as Additional Registrar and office Superintendent.

06. To set the record straight this Tribunal on the strength of judgments of the superior courts in majority of the cases ruled that under Sub-Rule(1)(2) of Rule-3 of APT Rules 1989, it was prerogative of the Provincial Government to frame/amend service rules. However, every case has its own distinguishing features which form the very basis for handing down a judgment. I have no hesitation in admitting that the service rules in question have failed to pass the test of reasonability. My view, is supported by proposition contained in 2015 SCMR 360, wherein the august Supreme Court of Pakistan

✓banked Section-24-A of General Clauses Act, 1897 and is reproduced below:-

**---S. 24A---Executive authority---Discretion, exercise of ---
Scope---When legislature conferred a wide ranging power,
it must be deemed to have assumed that the power would
be, firstly, exercised in good faith, secondly, for the
advancement of the objects of the legislation, and, thirdly in
a reasonable manner---Where the authorities failed to**

regulate their discretion by the framing of rules, or policy statements or precedents, it became mandatory for the courts to intervene in order to maintain the requisite balance for the exercise of statutory powers.

07. It is a settled principle of law that discretion should always be exercised in a just, fair and transparent manner. Case law reported as 2015 SCMR 1257 can also be applied in the matter. No where unfettered powers have been delegated to the executive. Malafide, bias, favoritism, cronyism and discrimination are vividly visible in these rules. To further supplement my views relevant excerpt of PLD 2017 Sindh 690 is given below for proper understanding of the issue, I want to emphasize:

---Framing of rules-Principle-When legislature confers power on the government to frame rules, it is expected that such power has been used only bonafide, in a reasonable spirit, in true interest of the public and furtherance of the object of attainment of which such powers have been conferred--powers conferred upon government to frame rule is not unlimited but subject to certain prerequisites and preconditions---unlimited right of delegation is not inherent in legislative power itself—Court may reject a regulation as invalid and ultra vires if it fails to comply with statutory essentials. Case Law 2019 PLC (C.S) 238 also decided similar question of law alongwith PLD 1980 Supreme Court 153.

08. Reliance was placed on case law reported as 2018 SCMR 598, wherein the august Supreme Court of Pakistan held that terms and conditions of service could not be unilaterally altered by the employer to the disadvantage of the employees. Concept of equal protection of law envisages that a person or class of persons should not be denied the rights, which are enjoyed by other person in the same situation.

09. Service Tribunal was competent to adjudicate upon the question of “vires” of rules framed by the department, even if the same were challenged on the basis of

fundamental rights of civil servants (2015 PLC(C.S) 215, PLD 2004 Supreme Court 317 and 2018 PLC (C.S) Note 40.

10. As a sequel to the above, the instant appeal is accepted and impugned order dated 03.04.2018 is set aside. The respondents are directed to propose suitable amendments in the above rules by taking guidance from the above observations. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
(Not agreed, dissenting note is attached)

ANNOUNCED
04.10.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 868/2019

Date of institution ... 20.08.2018

Date of judgment ... 04.10.2019

Iftikhar Khan, Assistant (BPS-16),
Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
 2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
 3. The Standing Service Rules Committee through its Chairman, Khyber Pakhtunkhwa, Peshawar.
 4. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION/RULES DATED 03.04.2018, WHEREBY THE RESPONDENTS HAVE NOTIFIED IRRATIONAL AND DISADVANTAGEOUS RULES AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Mr. M. Asif Yousafzai, Advocate.

.. For appellant.

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

DISSENTING JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Appellant Iftikhar Khan is serving as Assistant (BPS-16) in the Khyber Pakhtunkhwa Service Tribunal Peshawar. After availing departmental appeal he

has challenged Notification - Rules dated 03.04.2018 in the present service appeal mainly on the ground that there are total 09 posts of Office Assistants (BPS-16) in Khyber Pakhtunkhwa Service Tribunal and has only one post for promotion to the post of Superintendent (BPS-17) while in the cadre of Law Drafter (BPS-16) and Assistant Registrar (BPS-16) there are only two posts for promotion to the post of Additional Registrar (BPS-17). Similarly, there is only one post of Cashier-cum-Assistant (BPS-16) for the promotion to the post of Budget and Account Officer (BPS-17) in the impugned rules therefore, by maintaining separate seniority list of the above four mentioned cadres i.e Office Assistant, Assistant Registrar, Law Drafter and Cashier-cum-Assistant, the Office Assistant being more in number have less chances of promotion and requested to direct to respondent to modify/amend the rules for maintaining joint/merging seniority list of the aforesaid officials (BPS-16) for promotion to the post of Additional Registrar (BPS-17) Superintendent (BPS-17) and Budget & Account Officer (BPS-17) so that equal chance of promotion be provide to the Office Assistants. Available record reveals that impugned rule was not with a view to accommodate specific individuals or for any ulterior motive even the appellant has not alleged any malafide/ulterior motive in the service appeal. Moreover, the rule in question was a policy matter and such matter fell within the exclusive domain of the Government which in the absence of demonstrable malafide could not be assailed. In this regard reliance is placed on 2015 SCMR page 269 wherein it was held:

(a) Khyber Pakhtunkhwa Irrigation and Public Health Engineering Department (Recruitment and Appointment) Rules, 1979---

----Appendex---Khyber Pakhtunkhwa Service Tribunal Act (I of 1974),

S. 3.---- Promotion quota, reduction in--- Provincial Government changing promotion criteria by prescribing higher education qualification---Service

M. P. Khan
4.10.2019

✓

Tribunal, jurisdiction of ---Sub-Engineers (BPS-11) (respondents) were appointed in Irrigation Department on the basis of having a diploma in Associate Engineering and enjoyed 20% reserved quota for promotion to the post of Assistant Engineer (BPS-17) as provided in the Khyber Pakhtunkhwa Irrigation and Public Health Engineering Department (Recruitment and Appointment) Rules, 1979---Said Rules were amended and stipulated promotion quota of appellant was reduced to 15% and a new category (for promotion) was created for those Sub-Engineers who possessed a degree in B.Tech. (Hons.) and who had passed Grade A and Grade B examinations with a minimum service of five years----Appellants contended that carving out of such new 'category' of degree holders and reduced the promotion prospects of diploma holders---Service Tribunal directed the Provincial Government to reconsider the amendments made to the Rules and in the meantime put on hold promotions under the amended Rules--- legality--- Amendment made to the Rules in question was not with a view to accommodate specific individuals or for any other ulterior motive---Service Tribunal appeared to have been impressed by the fact that there were one hundred and thirty diploma holders whereas there were only thirteen graduates having B.Tech (Hons.) degree, therefore, in the opinion of the Tribunal it was necessary to preserve the quota of the diploma holders--Concern of the Tribunal effectively meant that if there were many less qualified persons they should have greater prospects for advancement and those who had higher qualifications or who had improved their qualification should not have an advantage---Such anxiety and concern of the Tribunal was misplaced--- Amendment made to the Rules in question was a policy matter and the Government was empowered to reduce the promotion quota of Sub-Engineers holding

M. Amin
4.10.2019

diploma, and also to create a separate promotion quota for those holding B.Tech (Hons.) degree; the same was also not justiciable---Service Tribunal had clearly exceeded its jurisdiction in issuing directions to Provincial Government for reconsideration of the impugned amendment and by putting on hold the promotions under the amended Rules---Appeal was allowed accordingly and judgment of Service Tribunal was set-aside.

(C) Service Tribunals Act (LXX of 1973)---

---S. 3---constitution of Pakistan, Art. 212(1)(a)--- Service Tribunal, jurisdiction of--- Civil Service--- Promotion criteria--- Educational qualification --- Government changing promotion criteria by prescribing higher educational qualification---Policy matter---Where the Government, as a policy matter, wanted to restrict promotion to those having degrees, or create another category of such persons, it was not ultra vires of any law nor was it unreasonable---Such matter fell within the exclusive domain of the Government, which, in the absence of demonstrable mala fides could, not be assailed.

M. Amin
4.10.2019

(d) Service Tribunals Act (LXX of 1973)---

---S. 3---Constitution of Pakistan, Art. 212(1)(a)--- Civil service---Promotion, right of---Promotion criteria---Justiciability---Neither promotion nor the criteria set out to aspire for promotion could be categorized as a 'right' that could be justiciable.

It was also held in 2009 SCMR page 890

(b) Service Tribunals Act (LXX of 1973)---

---S. 4---Nobody has a vested right in policy decision of the Government and Service Tribunal divested of power to indirectly set-aside the public policy decision in exercise of its power under Service Tribunals Act, 1973 or rules framed thereunder.

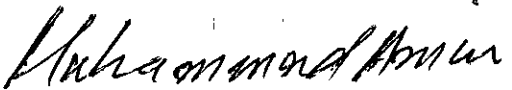
3. Furthermore, this Tribunal have already dismissed similar nature of appeal No. 1550/2018 decided on 11.09.2019 titled Muhammad Suleman Versus the Secretary to Government of Khyber Pakhtunkhwa decided by present Bench, the operative part of the judgment dated 11.09.2019 is as under

We are inclined to agree with the stance of the respondent that being an employee of BPS-6, he does not fall in the ambit of Class-IV employee. On the other hand framing of service rules and bringing suitable amendments is the prerogative of the provincial government. These amendments are never person specific and aim is not to deprive certain categories from further promotion. This view has been upheld by the Superior Courts and numerous judgments followed by this Tribunal. Evaluating the present appeal on the above parameters, we do not find any merits in it and liable to be dismissed.

4. Same way other similar nature of Service Appeal No. 794/2017 decided on 09.10.2017 titled Muhammad Ramazan Head Clerk/Assistant Versus Government of Khyber Pakhtunkhwa was also dismissed by this Tribunal.

5. In the light of the above discussion the present service appeal has no force which is hereby dismissed with no order as to cost. File be consigned to the record room.

ANNOUNCED
04.10.2019


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(AHMAD HASSAN)
MEMBER
(Not agreed, dissenting note is attached)


Service Appeal No. 868/2019

03.09.2019 Appellant in person and Mr. Naqeebullah, Senior Scale Stenographer alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Joint para-wise comments on behalf of respondents No. 1 to 4 submitted which are placed on record. The appeal is posted for arguments before D.B to 13.09.2019. The appellant may submit rejoinder, if so advised.


CHAIRMAN

13.09.2019 Appellant with counsel present. Asst: AG alongwith Mr. Sultan Shah, Assistant and respondent no.3 in person present. Arguments heard. Case to come up for ~~order~~ on 04.10.2019 before D.B.



Member


Member

04.10.2019 Appellant with counsel present. Asst: AG for respondents present. Arguments heard and record perused.

The appeal was heard on 13.09.2019, however, after hearing members of the Divisional Bench failed to arrive at a consensus judgment. Separate judgments written by us be placed before the worthy Chairman for appropriate orders.

Announced:
04.10.2019



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

03.07.2019

Counsel for the appellant Iftikhar Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that as per present rules, the post of Additional Registrar (BPS-17) is to be filled through promotion from the post of Law Drafter (BPS-16) and Assistant Registrar (BPS-16). Same way the post of Superintendent (BPS-17) is to be filled up by promotion from the post of Office Assistant (BPS-16) similarly the post of Budget & Account Officer (BPS-17) is to be filled by promotion from the post of Cashier-cum-Assistant (BPS-16). It was further contended that the respondent-department was required to amend rule for maintaining joint seniority list of the above officials of BPS-16 for the promotion of three posts i.e Additional Registrar (BPS-17), Superintendent (BPS-17) and Budget & Account Officer (BPS-17) but the respondent-department has not amend rules for joint seniority therefore, the respondent-department is bound to amend rule for maintaining joint seniority list of the aforesaid officials having BPS-16 for promotion of the post of Additional Registrar (BPS-17), Superintendent (BPS-17) and Budget & Account Officer (BPS-17).

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 20.08.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

20.08.2019

Appellant alongwith counsel and Mr. Muihammad Riaz Khan Painsdakhel, Assistant AG alongwith Naqibullah, Stenographer for the respondents present.

Representative of the respondents states that written reply is in process of completion and requests for short adjournment. Adjourned to 03.09.2019 for submission of requisite reply/comments.

Chairman 


Appellant Deposited
Security & Process Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - _____ 868/2019 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/07/2019	<p>The appeal of Mr. Iftikhar Khan resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 27/13.</p>
2-	02/07/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/07/19</u></p> <p style="text-align: right;"><i>MA</i> MEMBER</p>

The appeal of Mr. Iftikhar Khan Assistant Khyber Pakhtunkhwa Service Tribunal Peshawar received today i.e. on 20.08.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested
- 2- Annexures of the appeal may be flagged.
- 3- Annexure-D of the appeal is missing.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1720 /S.T,

Dt. 24/8 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Asif Yousafzai Adv. Pesh.

Sr,

Resubmitted after doing the needful


24/8/18

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 868/2018

Iftikhar Khan

V/S

Govt of KPK

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03.	Copy of Rules	B	7-11
04.	Copy of Departmental Appeal	C	12-14
05.	Copy of organogram	D	15
06.	Copy of Proposed Rules	E	16-22
07.	Wakalat nama	-----	


APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT


(ASAD MAHMOOD)
ADVOCATE HIGH COURT

Room No. FR 8, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

01

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 868/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1395

Dated 20-8-2018

Iftikhar Khan, Assistant (BPS-16),
Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

(APPELLANT)

VERSUS

1. The Govt: of KPK through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The secretary Establishment Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Standing Service Rules Committee through its Chairman, Khyber Pakhtunkhwa, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE NOTIFICATION/RULES DATED 03.04.2018, WHEREBY THE RESPONDENTS HAVE NOTIFIED IRRATIONAL AND DISADVANTAGEOUS RULES AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED RULES MAY BE DECLARED AS IRRATIONAL, DISADVANTAGEOUS TO THE MINISTERIAL CADRE OF SERVICE TRIBUNAL BY GIVING MORE CHANCE OF PROMOTION TO ONE CLASS WHILE GIVING LESS CHANCE OF PROMOTION TO OTHER CLASS. THE RESPONDENTS MAY ALSO BE DIRECTED TO

Filed to-day

Registrar

Re-submitted to -day
and filed.

Registrar

27/11/19

AMEND THE RULES BY MERGING THE SENIORITY OF LAW DRAFTER (BPS-16), ASSISTANT REGISTRAR (BPS-16), CASHIER-CUM-ASSISTANT(BPS-16) AND OFFICE ASSITANT (BPS-16) TO GIVE THEM EQUAL CHANCE AND CHAIN OF PROMOTION TO THE POST OF ADDITIONAL REGISTRAR (BPS-17), SUPERINTENDENT (BPS-17) AND BUDGET AND ACCOUNT OFFICER (BPS-17) ON THE BASIS OF JOINT/MERGED SENIORITY MENTIONED ABOVE. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:
FACTS:**

1. That the KPK Service Tribunal was established in 1974, under Article 212 of constitution of Pakistan that deal with the matter pertaining to the terms and conditions of the Civil Servants of the Province.
2. That the appellant is also a civil servant and performing his duties as Office Assistant (BPS-16) in the KPK Service Tribunal since 25.08.2017 and the performance of the appellant is upto the mark and satisfaction of his superior officers. **(Copy of appointment order is attached as Annexure-A)**
3. That respondent No.2 notified service Rules on 03.04.2018 which are not only irrational but also disadvantageous to the service career of the appellant, because the number of strength of each cadre and prospects of promotion or chain of promotion for each cadre has totally been ignored, while framing and notifying the impugned service rules. **(Copy of rules is attached as Annexure-B)**
4. That as the impugned service rules are not based on rational classification and intelligible differentia, therefore that appellant filed departmental appeal on 24.04.2018 and waited for ninety days (statutory period) but no response has yet been received by the appellant. **(Copy of departmental appeal is attached as Annexure-C)**
5. That having no other remedy and Service Tribunal being a competent legal forum; the appellant comes to this august tribunal on the following grounds amongst others.

GROUNDS:

- A) That the impugned notification dated 03.04.2018 and not taking any action on the departmental appeal of appellant within statutory period is against the law, facts, norms of justice and material on record, therefore not tenable.
- B) That the impugned notification does not base on rationale and intelligible differentia. Therefore it is in violation of article 2A, 4, 25 and 38(e) of the Constitution of Pakistan.
- C) That the equal chances of promotion/claim of promotion for employees of all cadres have not been taken into consideration while framing and notifying the impugned notification/service rules.
- D) That the impugned service structure is also based on discrimination because in other line departments of the provinces, the employees of Ministerial Cadre are being made eligible for promotion to other whereas benefits are restricted in the impugned notification.
- E) That even prior circulation, before finalization, has not been done to obtain the options/view of the employees who are going to be governed under such rules/service structure. The government has also provided such method/manner at the time of framing rules. Thus the impugned notification is against the principle of fairplay and as such against the principle of prospects of promotion.
- F) That if serious thought is given to the impugned service structure it will be evident that main employees of the Service Tribunal without having a chance of promotion whereas some will get rapid promotions to the higher grade/scale in short span of time. Thus it also amounts to deprive the appellant from his right and prospects of promotion in arbitrary manner and as such discrimination would cause to appellant.
- G) In other line department the post of Budge and Account Officer BPS-17 can be filled by promotion or transfer by superintendent, which show that the Ministerial Staff can be promoted to the post of Budget and Account Officer (BS-17) while in the impugned rules, only Cashier Cum Assistant (BS-16) has channel of promotion to Budget and Accounts officer and exclude Ministerial staff from promotion to Budget and Account Officer (BS-17).
- H) That the appellant is also discriminated in the impugned service rules as the requisite qualification for Assistant Registrar and Office Assistant are the same but the seniority of the Assistant Registrar is

- nature of job
- Job discrimination

- Qualification
- BS-17
- Law Drafted
- A.B.

merged with Law Drafter and exclude Office Assistant from that merged seniority in the impugned rules.

I) That there are total 09 posts of Office Assistant (BS-16) in KPK Service Tribunal and has only one post for promotion to the post of Superintendent BS-17 while in the cadre of law drafter and assistant registrar, there are only two posts for promotion to Additional registrar BS-17 in the impugned rules. Similarly there is only one post of Cashier cum Assistant for further promotion to the post of Budget And Account Officer BS-17 and by maintaining the separate seniority of these four above mentioned cadres, i.e Office Assistant, Assistant Registrar, Law Drafter and Cashier Cum Assistant, those nine Office Assistant have less chance of promotion which not only affect these office assistants but also badly affect Senior Clerk, Junior Clerk, and class-IV promotion are against the norms of justice and article 38 of Constitution of Pakistan. So on the basis of this score alone, impugned rules are liable to be amended and maintained joint seniority list of those four above mentioned cadres. So that equal chance of promotion may provide to all staff of KPK Service Tribunal. **(Copy of Organogram is attached as Annexure-D)**

J) That the Chairman of KP Service Tribunal have also proposed joint Seniority list of those four cadres so that equal chance of promotion may provide to all staff of KPK Service Tribunal, but despite that impugned rules was framed without observing the proposed rules made by Chairman of KPK Service Tribunal. **(Copy of Proposed Rules are attached as Annexure-E)**

K) That since the establishment of this august Service Tribunal duties of Assistant registrar and Cashier cum Assistant are performing by the Office Assistant, but despite that separate seniority has been given in the impugned rules.

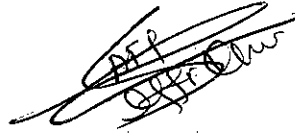
L) That under the law laid down by the Apex Court in the case of A. Shirwani (1991-SCMR-page-1041), this tribunal is competent to adjudicate upon the issue in dispute.

M) That the appellant have not been dealt handedly and his rights of promotion/prospects of promotion are affected through impugned notification.

N) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

05

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



APPELLANT
Iftikhar Khan

THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT



(ASAD MAHMOOD)
ADVOCATE HIGH COURT



(06) Annex A
**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

No. 1912-15 /ST Dated: 18 / 08 / 2017

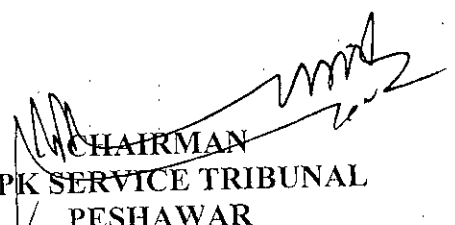
Ph:- 091-9212281
Fax:- 091-9213262

ORDER

Consequent upon selection and recommendation by the Khyber Pakhtunkhwa Public Service Commission, vide letter No. KP/PSC/SR-IV/F-81/2017 dated 26/7/2017 Mr. Iftikhar Khan S/O of Muhammad Khan of Mohmand Agency/I is hereby appointed as Assistant (BPS-16) viz (18910-1520-64510) plus usual allowances as admissible under the rules on regular basis, in the Khyber Pakhtunkhwa Service Tribunal, Peshawar, with immediate effect subject to antecedent verification:

He will be governed by such rules and regulations as may be issued from time to time by the Provincial Government, for the category of Civil Servants to which he belongs. His terms and conditions are as follows:-

- I. He will be initially, on probation for a period of one year extendable for further period of one year.
- II. In case he wishes to resign at any time, fourteen days notice will be necessary or in lieu thereof fourteen days pay shall be forfeited to Government.
- III. He will produce medical certificate of fitness from Medical Superintendent, Civil hospital Peshawar.
- IV. His appointment is on temporary basis and liable to be terminated at any time without assigning any reason before the expiry of the period of probation, if his performance during this period is not found satisfactory.


CHAIRMAN
KPK SERVICE TRIBUNAL
PESHAWAR

No. 1912-15 /ST

Dated 18/08/2017

Copies forwarded.

1. The Accountant General, Khyber Pakhtunkhwa Peshawar, for information and necessary action.
2. The Director Recruitment KPK Public Service Commission with reference to his letter quoted above.
3. Mr. Iftikhar Khan S/O Muhammad Khan of Mohmand Agency.
4. Office File

REGISTRAR

KPK SERVICE TRIBUNAL

(87) | B

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3881

Dated 06/04/2018

NOTIFICATION

Dated 03-04-2018

No. SOE-V/E&AD/13-02/2018: In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and supersession of this Department Notification No. SOR-I(S&GAD)4-2/82, dated 08-06-1988, Establishment Department, in consultation with the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the following Appendix which shall be applicable to the posts in the office of Services Tribunal Khyber Pakhtunkhwa, specified in column 2 of the Appendix with immediate effect.

APPENDIX

S. No.	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE	METHOD OF RECRUITMENT
	2	3	4	5
	Registrar (BS-18)	By promotion on the basis of seniority-cum-fitness, from amongst the Additional Registrars, Superintendents and Budget & Accounts Officers (BPS-17), with at least five years service as such: Provided that if no suitable officer is available for promotion, then by transfer. Note: A joint seniority list of Additional Registrars, Superintendents and Budget & Accounts officers shall be maintained for the purpose of promotion to the post of Registrar.
2.	Additional Registrar (BS-17)	By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Registrars and Law Drafters (BPS-16), with at least five years service as such: Provided that if no suitable

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				<p>officer is available for promotion, then by transfer.</p> <p>Note: A joint seniority list of Assistant Registrars & Law Drafters shall be maintained for the purpose of promotion to the post of Additional Registrar.</p>
3.	Superintendent (BPS-17)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant (BPS-16), with at least five years service as such.</p>
4.	Budget & Accounts Officer (BS-17)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Cashier-cum-Assistant (BPS-16), with at least three years service as such:</p> <p>Provided that if no suitable officer is available for promotion, then by transfer.</p>
5.	Private Secretary (BS-17)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Personal Assistants (BPS-16) with at least two years service as such.</p>
6.	Manager (MIS) (BPS-17)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators (BPS-16), with at least five years service as such.</p>
7.	Assistant Registrar (BS-16)	At least Second Class Bachelor Degree from a recognized University.	21 to 30 Years	By initial recruitment.
8.	Office Assistant (BS-16)	At least Second Class Bachelor's Degree from a recognized University	20 to 32 Years	<p>a) Seventy Five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks (BPS-14), with at least five years service as such; and</p> <p>b) Twenty Five per cent by initial recruitment.</p>
9.	Cashier Cum Assistant (BS-16)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Store Keepers (BPS-14) with at least five</p>

				years service as such: Provided that if no suitable person is available for promotion, then by transfer.
10.	Personal Assistant (BS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least three years service as such.
11.	Senior Scale Stenographer (BPS-16)	(a) At least Second Class Bachelor's Degree from a recognized university; (b) A speed of seventy (70) words per minute in shorthand in English and forty five (45) words per minute in typing in English; and (c) Knowledge of Computer in using MS Word and MS Excel.	20 to 32 Years	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers (BS-14), with three years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment.
12.	Law Drafter (BS-16)	At least Second Class L.L.B from a recognized University.	25 to 32 Years	By initial recruitment.
13.	Computer Operator (BPS-16)	(a) At least Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/BIT four years) from a recognized University; or (b) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	18 to 32 Years	By initial recruitment.
14.	Senior Clerk (BPS-14)			By promotion, on the basis of Seniority-cum-fitness, from amongst Junior Clerks (BPS-11), with at least two years service as such.
15.	Store Keeper (BPS-14)	At least Diploma in Commerce or Business Administration in Second Division from a recognized	18 to 30 Years	By initial recruitment.

		Board of Technical Education.		
16.	Junior Scale Stenographer (BPS-14)	<ul style="list-style-type: none"> i. At least Intermediate or its equivalent qualification in Second Division from a recognized Board; and ii. a speed of fifty (50) words per minute in Shorthand in English and thirty-five (35) words per minute in typing in English; and iii. Knowledge of Computer in using MS Word and MS Excel. 	18 to 30 Years	By initial recruitment.
17.	Junior Clerk (BPS-11)	<ul style="list-style-type: none"> i) At least Secondary School Certificate with Second Division or equivalent qualification from a recognized Board; and ii) A speed of Thirty (30) words per minute in typing in English. 	18 to 30 Years	<ul style="list-style-type: none"> a) Thirty-three percent by promotion, on the basis of Seniority-cum-fitness from amongst Daftaries, Bailiff, Generator Operators, Photostat Operators, Naib Qasids, Process Servers, Chowkidars and Sweepers with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty-seven per cent by initial recruitment.
18.	Driver (BPS-06)	Literate having LTV driving license. Preference shall be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 to 40 Years	By initial recruitment.
19.	Daftari (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years	By initial recruitment.
20.	Ballif (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years	By initial recruitment.
21.	Generator Operator (BPS-04)	Relevant Certificate from a Recognized Technical Institute.	18 to 40 Years	By initial recruitment.

(11)

22.	Photostat Operator (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized board with one year experience as Photocopier.	18 to 40 Years	By initial recruitment.
23.	Naib Qasid (BPS-03)	Literate	18 to 40 Years	By initial recruitment.
24.	Process Server (BPS-03)	Literate	18 to 40 Years	By initial recruitment.
25.	Chowkidar (BPS-03)	Literate with sound physique	18 to 40 Years	By initial recruitment.
26.	Sweeper (BPS-03)	Literate	18 to 40 Years	By initial recruitment.

**SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA**

Endst: of Even No. & Date:-

Copy forwarded to the:-

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Registrar, Peshawar High Court, Peshawar.
5. Registrar, Services Tribunal, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director I.T, Establishment & Administration Department for uploading on the official website of Establishment & Administration Department.
7. Manager, Govt: Printing Press, Peshawar for publication in the Govt: Gazette. He is requested to furnish 30 copies of the printed Notification to this Department and 10 copies to Law Department.
8. PS to Secretary, Establishment Department.
9. PS to Special Secretary (Estt), Establishment Department.
10. PA to Additional Secretary (Reg), Establishment Department.
11. TA to Deputy Secretary (Estt), Establishment Department.

(Akhtar Nawaz)

SECTION OFFICER (E-V)

(12)

C

To

The worthy Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 470

Dated 24/04/2018

Through: Proper Channel

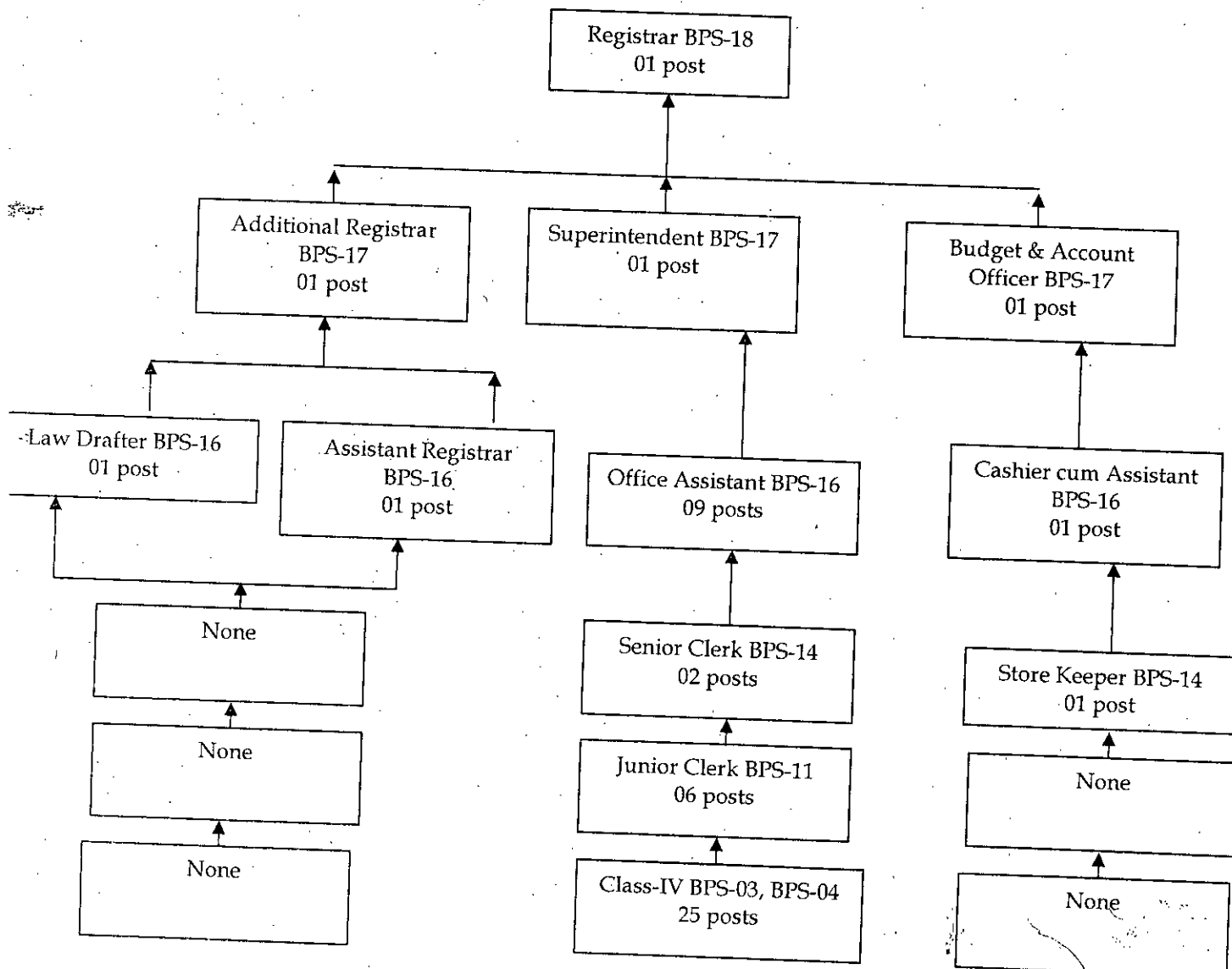
Subject: DEPARTMENTAL REPRESENTATION AGAINST THE NOTIFICATION NO. SOE-V/E&AD/13/02/2018 DATED 03/04/2018.

May it please your good-self,

Being aggrieved of the Notification ibid, the appellant submits this departmental Representation on the following facts and grounds:-

1. That appellant is an employee of Khyber Pakhtunkhwa Service Tribunal Peshawar. Appellant initially joined the service as Office Assistant on 25-08-2017, selected through Public Service Commission. Appellant will hardly promote once in his coming 35 years of service, because of the benison bestowed by the said notification upon the Law Drafter, Assistant Registrar and Cashier cum Assistant.

As the Organogram of the impugned rules Shows Below:



Impugned rules are attached...

Serial No. 2 of the Notification (Additional Registrar-BPS 17)

1. Presently, there are nine posts of Office Assistants BPS-16 which are channelized to only one post of Superintendent BPS-17. Whereas, only 02 posts i.e. Law Drafter and Assistant Registrar BPS-16 are channelized to the post of Additional Registrar (BPS-17) which arrantly infringe the rights for promotion of Office Assistants BPS-16.
2. Apart from the imparity of number of post from Office Assistants , Law Drafter, Assistant Registrar BPS-16 to BPS 17 i.e. superintendent and Additional Registrar the bamboozlement of merging the seniority of Assistant Registrar BPS-16 and Law Drafter BPS-16 whose Educational criteria is different. For Assistant Registrar BPS-16 it is simply graduation which is parallel to the Educational criteria for Office Assistant BPS-16, is set by the said Notification. Whereas, Law Graduation is the initial requirement for Law Drafter BPS-16 which is utterly absurd.
3. The purpose for creation of the post of Assistant Registrar (BPS-16) to assist the Registrar, and the same is claimed carried out by Office Assistant since the establishment of this Tribunal.
4. That as a matter of fact all the BPS-16 employees i.e. Office Assistants, Cashier-cum-Assistant, Assistant Registrar and Law Drafter should have been equally made eligible for Promotion to the post of Additional Registrar (BPS-17) providing their joint Seniority List for such practice.
5. In line with the above Para, the post of Additional Registrar may be filled among the Senior most from Office Assistant, Assistant Registrar, Cashier-cum-Assistant, Law Drafter (BPS-16) and not by transfer.
6. That similarly, the lateral entry to the post of Additional Registrar is also apparently prejudicial to the interest of limited employees of the Service Tribunal including Office Assistants because it would block the meager chances of promotion of the appellant. This will not only deprived appellant of his fair chance for promotion, but also those who piped to Office Assistant which are Senior Clerk, Junior Clerk and Class-IV.

Serial No. 3 of the Notification (Superintendent-BPS-17)

1. That on the basis of parity, the Promotion to the post of Superintendents (BPS-17) is also required to be equally made available to Office Assistant and Assistant Registrars (BPS-16) so that they may have adequate promotion avenues for their career progression.

Serial No. 4 of the Notification (Budget and Accounts Officer (BPS-17)

1. That the Promotion to the post of Budget & Accounts Officer (BPS-17) is also reserved to Cashier-cum-Assistant (BPS-16) for the purpose of Promotion, whereas the other BPS-16 employees including the Office Assistants have been excluded to their detriment which also amounts of clear-cut discrimination. It is worth mentioning that only one post of Cashier cum Assistant is channelized to Budget & Account Office BPS-17, as compared to the 09 posts of Office Assistants are channelized to the only one post of Superintendent. It is worthy to add that the incumbent Accountant is also Office Assistant (BPS-16) who has rendered about 22 years service against the post but has been made ineligible for

(14)

Promotion to the post of Budget and Accounts Officer (BPS-17). This is not only confined to the incumbent Accountant, but it has been the precedent of this Tribunal since its establishment.

2. That as a matter of fact the BPS- 16 employees that is Office Assistant, Cashier-cum-Assistant and Assistant Registrar should have been equally made eligible for promotion to the post of Budget & Account Officer (BPS-16) providing their joint seniority list for such practice.
3. In line with the above para, the post of Budget & Account Officer (BPS-16) may be filled among the Senior most from Office Assistant, Assistant Registrar, Cashier-cum-Assistant (BPS-16) and not by transfer.
4. That it is an admitted position that the Service Tribunal is limited self-contained Unit with limited number of posts and the available meager vacancies in the higher pay scales is the only means of their career advancement, therefore, a viable service structure beneficial to the majority of the employees within the legal framework is necessary in the interest of justice so as to remove the disparity amongst the employees of the Tribunal including the Office Assistants in their earnings.

That appellant and his other colleagues have already suffered in their financial earnings due to their slow pace of promotion as in spite of service of decades, they had availed quite limited opportunity of promotion as compared to other counterparts serving in other Departments where the number of employees is large with numerous promotion chances.

In a nutshell those posts have been graced by the notification which has not been materialized yet. All those servants who have delivered their life time services to the department are treated like step child. Even in the similar functioning, Offices (High Court etc.) the Office Assistant are Channelized upto the post of Additional Registrar in shape of promotion.

It is, therefore, humbly requested that on acceptance of this departmental Representation, the impugned Notification dated 03/04/2018 may graciously be modified with suitable amendment as pointed out hereinabove to save the appellant and his other colleagues from discrimination and to provide them with suitable opportunity of career development as proposed by the Hon'ble Chairman of Service Tribunal. (Copy of Proposed rules are Attached as Annexure-B).

Dated 23/4/2018

Yours faithfully,



Iftikhar Khan

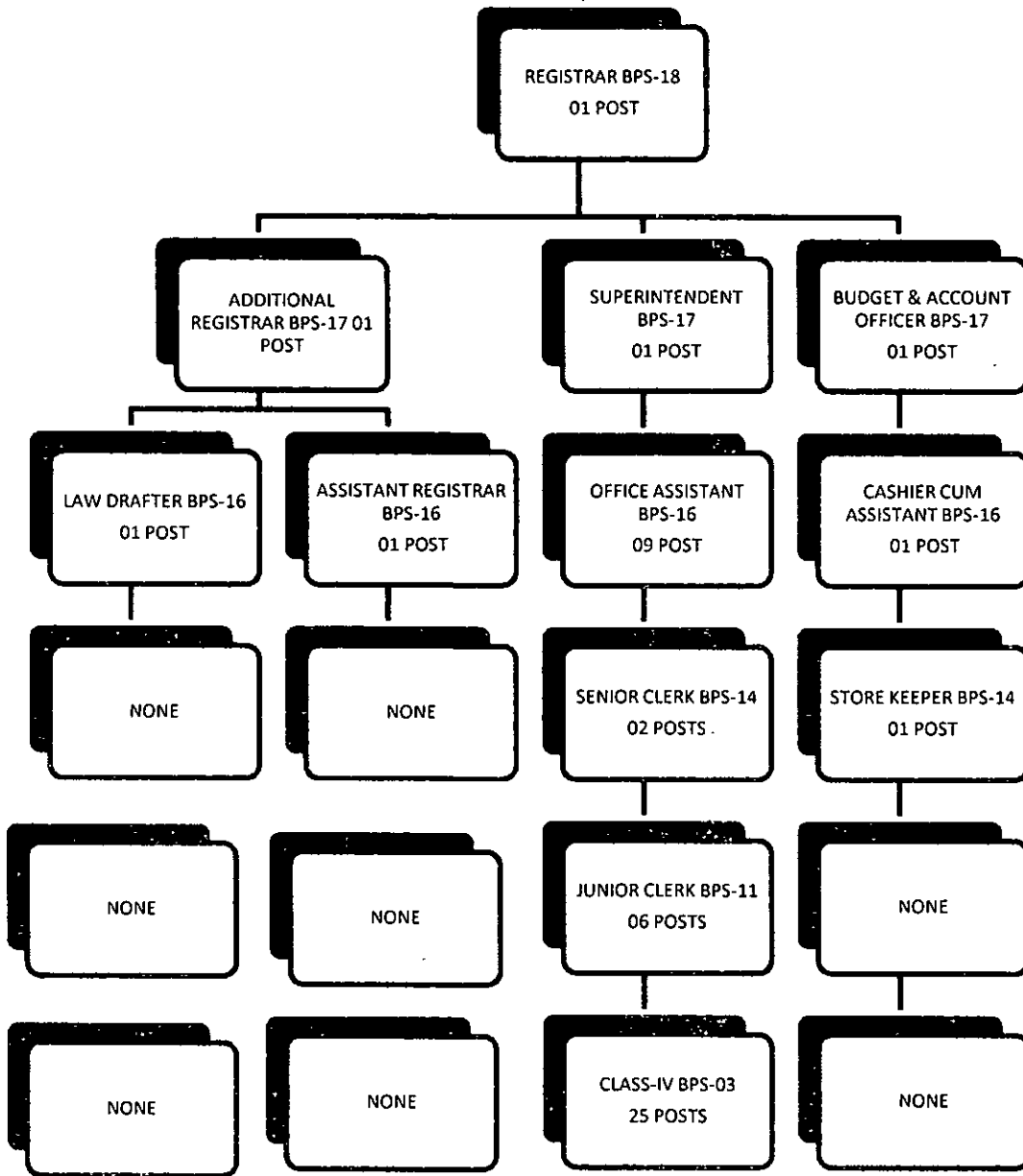
Assistant

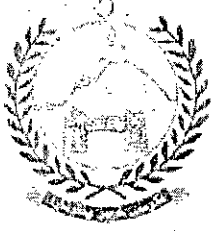
Service Tribunal Peshawar

Organogram

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D





(16)
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 35/ST

Dated: 09/01/2018

E

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281

Fax:- 091-9213262

To,

The Secretary Establishment,
Govt. Of Khyber Pakhtunkhwa,
Peshawar.

Tim
01-20
9/1/18

Ps / Secy (E) E & AD
Diary No.
Date

Subject: - METHOD OF RECRUITMENT.

Sir,

With reference to the Government of Khyber Pakhtunkhwa Finance Department letter No. BOIV/FD/2-6/2016-17 dated 27-02-2017, I am directed to forward herewith draft method of recruitment for all posts on this Tribunal under sub rule 2 of rule 3 of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989 for placing the same before Standing Service Rules Committee along with 10 sets. The draft method of recruitment shall substitute the whole method of recruitment in vogue in this Tribunal.

Copies of letter No. BOIV/FD/2-6/2016-17 dated 27-02-2017 and method of recruitment in force at present are attached.

Encl: As Above.

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

DRAFT APPENDIX

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Sr.No.	Nomenclature of posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	Registrar (BPS-18)	(a) LL.M (at least 2nd Division) from a recognized University with three years standing at the Bar; or (b) LL.B (at least 2nd Division), from a recognized University with five years standing at the Bar having at least three years practice of High Court; or (c) LL.B (at least 2nd Division) from a recognized University, having five years service in BS-17 or above	25 to 35 years.	a) By promotion, from the holder of the post of Additional Registrar with at least five years service in BPS-17; b) If no suitable candidate is available for promotion, by initial recruitment.
2	Additional Registrar (BPS-17)	Bachelor Degree (at least 2nd Division) from a recognized University with 5 years experience in any post of BPS-16 & above in office management.	25 to 32 years	a) By promotion, on the basis of seniority cum-fitness, from among the holders of the posts of Superintendent or Budget & Account Officer. b) If no suitable candidate is available for promotion, by initial recruitment. Note: A joint seniority list of Superintendent and Budget & Account Officer shall be maintained for the purpose of promotion to Additional Registrar.
3	Superintendent (BPS-17)	-----	-----	By promotion, on the basis of seniority cum-fitness, from among the holders of the posts of office Assistants or Assistant Registrar or Cashier cum Assistant with at least three years service. Note: A joint seniority list of Office Assistants, Assistant Registrar & Cashier cum Assistant shall be maintained for the purpose of promotion to Superintendent.

DRAFT APPENDIX

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4	Budget & Account Officer (BPS 17)			<p>a) By promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Cashier cum Assistant or Office Assistant or Assistant Registrar with at least three years service.</p> <p>b) If no suitable candidate is available for promotion, by deputation from AG office for a period not exceeding three (3) years.</p> <p>Note: A joint seniority list of Office Assistants, Assistant Registrar & Cashier cum Assistant shall be maintained for the purpose of promotion to Budget & Account officer.</p>
5	Private Secretary (BPS 17)	Bachelor Degree (at least 2nd Division) from a recognized University with 100 words per minute in shorthand and 50 words per minute in typing.	21 to 30 years.	<p>a) By promotion from the holder of the post Personal Assistant with at least three year service in BPS-16.</p> <p>b) If no suitable candidate is available for promotion, by initial recruitment.</p>
6	Manager (MIS) (BPS-17)	<p>a) First Class Master Degree in Business Administration (MIS); or</p> <p>b) Master Degree in any field of Information Technology; or</p> <p>c) Four years bachelor degree in any field of Information Technology</p> <p>From a recognized University having three years experience in the relevant field after attaining the academic qualification.</p>	25 to 35 years	<p>a) By promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Computer Operator with at least five years service,</p> <p>b) If no suitable candidate is available for promotion, by initial recruitment.</p>

DRAFT APPENDIX

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7	Assistant Registrar (BPS 16)	At least Second Class Bachelor Degree from a recognized University.	21 to 30 years	<p>a) By promotion, on the basis of seniority-cum-fitness, from amongst the holder of the post of the Senior Clerks or Store Keeper with at least five years service in BPS-11 and above.</p> <p>b) If no suitable candidate is available for promotion, by initial recruitment.</p> <p>Note: A joint seniority list of Senior Clerks and Store Keeper shall be maintained for the purpose of promotion to Assistant Registrar.</p>
8	Office Assistant (BPS-16)	At least Second Class Bachelor Degree from a recognized University.	21 to 30 years	<p>a) Seventy Five per cent by promotion on the basis of seniority-cum-fitness, from amongst the holder of the post of the Senior Clerks or Store Keeper with at least five years service in BPS-11 and above.</p> <p>b) Twenty Five per cent by initial recruitment.</p> <p>Note: A joint seniority list of Senior Clerks and Store Keeper shall be maintained for the purpose of promotion to Office Assistant.</p>
9.	Cashier cum Assistant (BPS 16)	At least Second class Bachelor degree from a recognized University. Preference will be given to Bachelor degree with Commerce, Economics or Mathematics/Statistics.	21 to 30 years	<p>a) By promotion, on the basis of seniority-cum-fitness, from amongst the holder of the post of the Senior Clerks or Store Keeper with at least five years service in BPS-11 and above.</p> <p>b) If no suitable candidate is available for promotion, by initial recruitment.</p> <p>Note: A joint seniority list of Senior Clerks and Store Keeper shall be maintained for the purpose of promotion to Cashier cum Assistant.</p>
10.	[Personal Assistant] (BPS 16)	-----	-----	By promotion, on the basis of seniority- cum-fitness, from amongst Senior Scale Stenographer with at least five years service in BPS-14 and above.
11.	Senior Scale Stenographer BPS-16	-----	-----	By promotion, on the basis of seniority- cum-fitness, from amongst Junior Scale Stenographer with at least three years service

DRAFT APPENDIX

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12	Computer Operator (BPS-16)	I) Second class Bachelor's Degree from a recognized University with computer science as a subject or II) Second class Bachelors Degree with one year Diploma in Information Technology from a recognized Board of Technical Education.	21 to 30 years	By initial recruitment
13	Law Drafter (BPS 16)	Law Graduate from a recognized University.	25 to 32 years	By initial recruitment.
14	Senior Clerk (BPS-14)	-----	-----	By promotion on the basis of seniority-cum-fitness from among holders of the post of Junior Clerk with at least two years service as such.
15	Store Keeper (BPS 14)	-----	-----	By promotion on the basis of seniority-cum-fitness from among holders of the post of Junior Clerk with at least two years service as such.
16	Junior Stenographer (BPS-14)	Scale Intermediate from a recognized Board; and Speed of 50 words per minute in English Shorthand and 35 words per minute in typing with knowledge of Computer in using MS Word and MS Excel.	18 to 30 years	By initial recruitment

DRAFT APPENDIX

21

17	Junior Clerk (BPS-11)	<p>i) Secondary School Certificate 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 percent by promotion, from amongst Daftari, bailiff, Generator Operator, Photostate Operator, Naib Qasid, Process Server, Chowkidar & Sweeper with at least two years service as such who have passed Secondary School Certificate; and</p> <p>b) Sixty-seven percent by initial recruitment.</p> <p>Note: A joint seniority list of all the above, having SSC shall be maintained for the purpose of promotion to Junior Clerk. Only those who have passed SSC examination shall be entered in the seniority list. Those who pass SSC examination after entry into service shall be entered in the list from date of passing SSC examination irrespective of pay scale.</p>
18	Driver (BPS 6)	Secondary School Certificate or equivalent from a recognized board and in possession of LTV License.	25 to 40 years	By initial recruitment.
19	Daftari (BPS-04)	Secondary School Certificate or equivalent qualification from a recognized Board;	18 to 30 years	By initial recruitment.
20	Bailiff (BPS 04)	Secondary School Certificate or equivalent qualification from a recognized Board;	18 to 30 years	By initial recruitment.

DRAFT APPENDIX

22

21	Generator Operator (BPS 04)	Secondary School Certificate or equivalent qualification from a recognized Board; Along with electrical diploma/certificate from Technical Institute.	18 to 30 years	By initial recruitment
22	Photostat Operator (BPS 04)	Secondary School Certificate or equivalent qualification from a recognized Board; with one year experience as Photocopier.	18 to 30 years	By initial recruitment
23	Naib Qasid (BPS 03)	Middle.	18 to 30 years	By initial recruitment.
24	Process Server (BPS 03)	Middle.	18 to 30 years	By initial recruitment.
25	Chowkidar (BPS 03)	Middle.	25 to 40 years	By initial recruitment.
26	Sweeper (BPS 03)	Middle.	18 to 30 years	By initial recruitment.

افنیار خان 2، منجانب (الہ آباد) لاہور
افنیار خان بنام گورنمنٹ آف کے بی سی

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لہذا کے لیے محمد آصف پور مسفرنی، جمہوری مان اور مسٹر محمد اور مسٹر

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 ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام 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۔

Attested & Accepted
As per
[Signature]

20

ماہ

المرقوم

العبد گد گد العبد واہ العبد

کے لئے منظور ہے۔

مقام

[Signature]

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. 858 of 20/9

Mr. Afzal Khan Khan Appellant/Petitioner

Versus

Govt of KP through Chief Secretary etc Respondent
Respondent No. 1

Notice to: Govt of KP through Chief Secretary
KPK, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20-9-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 17th Day of July 2019.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

868

Appeal No. of 20 19.

M. H. Khan Appellant/Petitioner

Versus

Secretary K/M Respondent

Respondent No.

Notice to:

*Secretary Establishment Deptt K/M
Civil Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *20-8-2019* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *4th* Day of *July* 20 *19*.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. 868 of 2019.

Mr. Hafizullah Khan, Appellant/Petitioner

Versus

Secy of KPHK, Hingorah, Chief Secretary etc Respondent

Respondent No. 3

Notice to: The Standing Service Rules Committee through its Chairman on KPHK Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20-8-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 16 Day of July, 20 19.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No. 868 of 2019.

Mr. Ghisfar Khan Appellant/Petitioner

Versus

Secy of KPH through Chief Secretary/KPH etc Respondent

Respondent No. 4

Notice to:

The Registrar, KPH Service Tribunal
Peshawar


WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20-8-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 6th.....

Day of July.....2019.

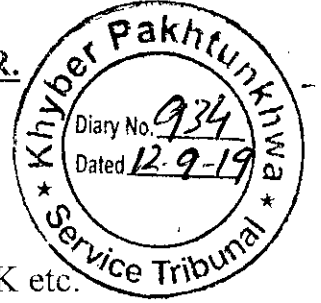


9-7-2019

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.



Service Appeal No. 868/2019

Iftikhar Khan

VS

Govt: of KPK etc.

Put up to the court with relevant appeal.

REJOINDER ON BEHALF OF APPELLANT

12/9/19
RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted correct, hence no comments.
2. Admitted correct as the service record of the appellant is present with the department.
3. First portion of para-3 is admitted correct, hence no comments, while the rest of para is incorrect hence denied as there are total 09 posts of Office Assistant (BPS-16) in Khyber Pakhtunkhwa Service Tribunal and has only one post for promotion to the post of Superintendent (BPS-17) while in the cadre of Law Drafter(BPS-16) and Assistant Registrar(BPS-16), there are only two posts for promotion to Additional Registrar (BPS-17) in the impugned rules. Similarly there is only one post of Cashier cum Assistant for further promotion to the post of Budget & Account Officer (BPS-17) and by maintaining the separate seniority of these four above mentioned cadres, i.e Officer Assistant, Assistant Registrar, Law Drafter and Cashier Cum Assistant, those nine Officer Assistant have less chance of promotion which not only affect these office Assistants but also badly affect Senior Clerk, Junior Clerk, and Class IV Promotion are against the norms of justice and Article 38 of Constitution of Pakistan. So on the basis of his score alone, impugned rules are liable to be amended and maintained joint seniority list of those four above mentioned cadres. So that equal chance of promotion may provided to all the staff of Khyber Pakhtunkhwa Service Tribunal. Moreover the said rules are irrational and disadvantageous of service right of the appellant and other ministerial staff on the basis of equal chances for promotion for all employees of all cadres have been not taken consideration while framing and notifying the impugned notification/service rule.
4. Incorrect, the representation of the appellant was not decided which is violation of superior court judgment.
5. Not replied.

GROUND:

- A) Incorrect. The notified Service Rules dated 03.04.2018 is irrational and against the Article, 2A, 4, 25 and 38. (e) of the constitution of Pakistan and therefore, liable to be amend by merging the seniority of Law Drafter BPS-16, Assistant Registrar BPS-16, Cashier-cum-Assistant BPS-16 and Office Assistant BPS-16 to give them equal chance and chain of promotion to the post of Additional Registrar (BPS-17), Superintendent BPS-17 and Budget and Account Officer BPS-17 on the basis of joint/merged seniority.
- B) Incorrect. As replied in para-A.
- C) Incorrect; by notifying the impugned Service Rules/notification dated 03.04.2018, the appellant and other ministerial staff has less chance of promotion which is liable to amend.
- D) Incorrect. While para-D of the appeal is correct.
- E) Incorrect. Para E of the appeal is correct.
- F) Incorrect as mentioned in para-I of appeal.
- G) Not replied according to para-G of the appeal. Moreover para-G of the appeal is correct.
- H) Not replied according to para H of the appeal. Moreover para H of the appeal is correct.
- I) Correct to the extent that various posts in any department are made on the basis of their needs, but no employee can be deprived from his legal and fundamental rights of promotion etc by making rules and notification as in the case of the appellant.
- J) Incorrect. Failed to answer.
- K) Incorrect. Para K of the appeal is correct. As the superior courts rules and notification should be made which not violate the fundamental rights of person.
- L) No comments.
- M) Incorrect. As explained above.
- N) No comments.

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



APPELLANT

Through:

(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT

&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 868/2019

Iftikhar Khan..... Appellant

VERSUS

Government of Khyber Pakhtunkhwa etc.Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1-4

PRELIMINARY OBJECTIONS:

1. That the Petitioner has got no locus standi / cause of action to file the instant Service Appeal.
2. That the Petitioner has not come to this august Tribunal with clean hands. Hence, disentitled to any relief whatsoever.
3. That no discrimination / injustice have been meted out to anyone.
4. That the Appeal is not based on facts and is unjustified.
5. That the Appeal is time barred.

ON FACTS:

1. Correct.
2. Pertains to record hence no comment.
3. Correct upto extent that Service Rules of Khyber Pakhtunkhwa Service Tribunal were notified on 03-04-2018. The referred Service Rules were approved and notified for the employees of Khyber Pakhtunkhwa Service Tribunal, in which every cadre has been given proper prospect of promotion to the next higher scale. For example:-
 - ✓ Assistant ▶ Superintendent ▶ Registrar
 - Junior Clerk ▶ Senior Clerk ▶ Assistant ▶ Superintendent ▶ Registrar.
 - Assistant Registrar ▶ Additional Registrar ▶ Registrar.
 - Store keeper ▶ Cashier-Cum-Assistant ▶ Budget & Accounts Officer ▶ Registrar.So, the said rules are neither irrational nor disadvantageous to the service right of petitioner. Rather the petitioner has not approached with clean hand to the august Tribunal on petty grounds and with malafide intentions wants to infringe upon the rights of the other employees of the tribunal. However, the prospect / pyramid of promotion narrows down in every department in higher scales. Furthermore, the said service rules were notified after through deliberation by the SSRC committee, in which representative of Service Tribunal was also present. All the stake holders have unanimously agreed to the said service rules before issuance. Thus the instant service appeal is liable to be dismissed on the basis as explained above.
4. Correct, the request of the petitioner was duly processed and according to law / rules / policy regretted on the basis as explained in para supra-2.

GROUND:

- A. Incorrect. The notified Service Rules dated 03-04-2018, are in no way irrational and not in conflict with law (and the appeal of the appellant is liable to be dismissed) as all the stake holders including representative from Law Department and Service Tribunal have unanimously agreed to the said service rules before being issued.
- B. Incorrect. The notified Service Rules dated 03-04-2018, are in no way irrational and not in conflict with the spirit of Article 2A, 4, 25, 38(e) of constitution as all the stake holders including representative from Law Department and Service Tribunal have unanimously agreed to the said service rules before being issued.
- C. Incorrect. While framing and notifying the service rules due care was taken that all cadre employees should have equal chances of promotion.
- D. Incorrect. No discrimination has been made with regard to service structure of the employees of Ministerial Cadre as all employees have been given chances of promotion. However, promotion ratio narrows down in higher scale as in all other departments.
- ✓ E. Incorrect. Nowhere views of employees are obtained for framing service rules / service structure
- F. Incorrect. Employees in every department are divided into different categories based on their qualification and specialization and they are given promotion accordingly.
- G. Incorrect. The post of Budget and Account officer in the instant service rules is filled by promotion of Cashier Cum Assistant to give him equal chances of promotion as given to other Ministerial Staff.
- H. Incorrect. Though Assistant Registrar seniority is merged with Law Drafter for promotion to Additional Registrar but on the other hand Office Assistant has been given chances of promotion to Superintendent in which Assistant Registrar and Legal Drafter has no share.
- I. Incorrect. Requirements to various posts in any department are made on the basis of their needs. Presently there are one Law Drafter and one Assistant Registrar to be promoted to the post of Additional Registrar while 09 post of Assistant to be promoted to the post of Superintendent. If this plea of the petitioner is accepted then in future Law Drafter and Assistant Registrar will also put in demand on similar flimsy grounds if their posts are increased.
- J. Incorrect. As explained in A & B.
- K. Incorrect. As explained above seniority is maintained on the basis of functional cum specialization.
- L. No comments.
- M. Incorrect. As explained above.
- N. No comments.

It is, therefore, prayed that appeal of the appellant may be dismissed as prayed for with cost.


(Respondents No.1-3)


(Respondent No.4)

01

GOVERNMENT OF NWFP
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 25, 2010

NOTIFICATION:

No. SOE/C&WD/8-12/2009: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules, issued in this behalf, the Communication & Works Department in consultation with Establishment Department and Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the Appendix to this Notification which shall be applicable to posts in column 2 of the said Appendix.

(Engr Habib Ali)
Secretary to Govt of NWFP
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries to the Govt of NWFP
2. Secretary to Governor NWFP
3. Principal Secretary to Chief Minister NWFP, Peshawar
4. PS to Chief Secretary NWFP, Peshawar
5. PS to Addl: Chief Secretary NWFP, Peshawar
6. PS to Addl: Chief Secretary Home NWFP, Peshawar
7. PS to Addl: Chief Secretary FATA, Peshawar
8. Accountant General NWFP, Peshawar
9. Additional Accountant General (PR) sub office Peshawar
10. All Chief Engineers in C&W Department
11. All Commissioners in NWFP
12. Secretary Public Service Commission, Peshawar
13. Registrar Peshawar High Court, Peshawar
14. Registrar NWFP Service Tribunal Peshawar
15. All District Coordination Officers in NWFP
16. All Superintending Engineers in C&W Department
17. All Executive Engineers in C&W Department
18. PS to Secretary, C&W Department Peshawar
19. Office order File
20. Manager Govt Printing Press NWFP, Peshawar. He is requested to supply 200 copies of the printed gazette for further distributions

(RAHIM BADSHAH)
SECTION OFFICER (ESTT)

APPENDIX

D) ENGINEERING SERVICE

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Engineer	-	-	By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Principal Design Engineer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Senior Engineers/Research Officers with at least 12 (twelve) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University.
3.	Executive Engineer/Design Engineer/Senior Engineer/Research Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University, with at least 5 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.
4.	Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer	Degree in BE/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University <i>Column-5 amended vide Notif. No. SOE/CMD/8-12/2014 dt 14-10-2014</i>	21 - 32 Years <i>(a)</i>	<p>a) Seventy percent (70%) by initial recruitment;</p> <p>b) Five percent (5%) by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineers who possessed degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service;</p> <p>c) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who have acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service. The seniority to be determined from the date of acquiring degree; and</p> <p>d) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma and have passed Departmental Professional Examination, with at least 10 (ten) years service as such.</p>
5.	Sub Engineer	Diploma of Associate Engineering (Civil)/Electrical/Mechanical from a recognized Board of Technical Education	18 - 30 Years	<p>a. Seventy Five percent (75%) by initial recruitment;</p> <p>b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, <u>having three years Diploma of Associate Engineering in Civil Technology from a recognized Board;</u></p> <p>Note-1: <u>For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-11 shall rank senior</u></p> <p>c. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years service as such, <u>having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board;</u></p> <p>d. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, with seven years service as such, <u>having three years Diploma in Electrical/Mechanical Technology from a recognized Board;</u></p> <p>Note-2: <u>For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisor & Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</u></p>

III) MINISTERIAL ESTABLISHMENT

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
17	Administrative Officer/Budget & Accounts Officer			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, with at least 5 years' service as such.
18.	Superintendents			By Promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers with at least five years service as such. <i>Note:</i> For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers will be maintained. If the date of appointment of both the officials is the same, then Assistant will rank senior.
19.	Divisional Accounts Officer	<i>2nd Class</i>		By Transfer from Audit Department
20.	Senior Scale Stenographer	a. Bachelor's Degree/B-Com from a recognized University; AND b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing	18 - 30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers (Junior) with at least five years services as such. <i>Note:</i> If no suitable candidates are available for promotion, then by Initial Recruitment.
21.	Assistant	<i>amendment issued</i> Second Class Bachelor's Degree with Economics/Statistics as one of the subject OR B-Com from a recognized University <i>at Telegami Zoda University</i>	21 - 32 years	a. Twenty five percent (25%) by Initial Recruitments; and b. Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks/Senior Clerks, with at least five years service as such. <i>Note:</i> For the purpose of promotion a joint seniority list of Accounts Clerks and Senior Clerks shall be maintained.
22.	Stenographer (Junior)	a. Intermediate/D-Com form a recognized Board; b. A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing; and c. Computer knowledge of MS Word and Excel	18 - 30 years	By Initial Recruitment

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Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
23	Accounts Clerk/Senior Clerk	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks, with at least three years service as such.
24	Junior Clerk	i. Secondary School Certificate from a recognized Board; and ii. A speed of 30 words per minute in English typing	18 - 28 ³⁰ years	a. Eighty percent (80%) by Initial Recruitment; AND b. Twenty percent (20%) by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars, and other equivalent posts who have passed Secondary School Examination and are under 45 years of age and have at least two years service as such in the Department <u>Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars, with reference to the date of regular appointment to the post or that of acquiring the Secondary School Certificates, whichever is later; provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.</u>
25	Driver	Possessing a valid LTV/HTV Driving License with five years experience, having Primary/Middle Standard qualifications	21 - 35 years	By Initial Recruitment
26	Daftary/Record Lifter/Dafadar	Literate/Middle, preference will be given to Ex-Service Man	18 - 35 years	By promotion, from amongst the Naib Qasids/Chowkidars, <u>having Middle Standard qualification</u> <u>Note: If no suitable candidates are available for promotion, then by Initial Recruitment.</u>
27	Naib Qasid	Middle Standard qualification	18 - 35 years	By Initial Recruitment
28	Chowkidar	Literate/Primary Standard qualification	18 - 35 years	By Initial Recruitment

29. Banker/aj

Banker/aj

Actual 10-11-2011

By Initial Recruitment

Banker/aj: qualified SSC



02

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the April 20, 2012

NOTIFICATION

No.SOE(AD)2(2)429/2011.- 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 notifications issued in this behalf to the extent of Agriculture Extension Wing, the Agriculture, Livestock and Cooperation Department, in consultation with the Establishment Department and 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 the posts mentioned in column 2 of the said Appendix in the Directorate of Extension Wing of the Agriculture Department.

APPENDIX

PART-I

PROFESSIONAL STAFF

S. No	Nomenclature of post.	Qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General, Agriculture (Extension) Khyber Pakhtunkhwa / Director General Agriculture (Extension) FATA / Principal, Agricultural Training Institute, Peshawar (BPS-20).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-19) of the Agriculture Extension Wing having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.
2	Directors Field Operation / Plant Protection / Horticulture / Agriculture Marketing / Coordination, Planning and Monitoring / Model Farm Services Centre / Seed / Training and Training Coordinator Agriculture Training Institute / Director Agriculture / District Directors Agriculture / Vice Principal, Agriculture Training Institute and Executive District Officer Agriculture (BPS-19).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-18) of the Agriculture Extension Wing with seven years service in BS-18 or 12 years service in BS-17 and above having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.
3	Deputy. Directors (Planning, Monitoring and Evaluation) / Plant Protection / Horticulture / Agriculture Marketing / Agriculture (Information) / Coordination and Publication / Senior Instructors, Agriculture Training Institute / subject Matter Specialists Plant Protection/Agronomy and Extension / Horticulture / Plant Protection Officers / Deputy. Director Farms / Agency Officers Agriculture and Horticulture Specialists (BPS-18).	--	--	By promotion, on the basis of seniority cum fitness, from amongst the BS-17 Agricultural officers / Instructor/Agriculture Officer Public Relation and Publication of Agriculture Extension Wing with five years' service as such, having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.

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26	Tractor Drivers (BPS-5).	recognized Board with certificate as Electrician. Having tractor driving licence with two years experience in handling Tractor.	18 to 40 years.	By initial recruitment.
27	Vehicle Drivers (BPS-4).	Experience in Driving with light vehicle driving licence.	18 to 40 years.	By initial recruitment.
28	Thresher Operators (BPS-3).	Middle pass one year experience in the Thresher Operator.	18 to 40 years.	By initial recruitment.
29	Tube Well Operators (BPS-1).	Two years experience in the operating tube wells.	18 to 45 years.	By initial recruitment.
30	Tractor Cleaners / Helpers of Driver (BPS-1).	One year experience as Cleaner.	18 to 45 years.	By initial recruitment.
31	Malies (BPS-1).	Experience in flower culture and horticulture.	18 to 45 years.	By initial recruitment.
32	Carpenters (BPS-1).	Five years experience as carpenter.	18 to 45 years.	By initial recruitment.
33	Field Workers / Cook / Depot Coolies / Laboratory Attendants / Mess Boys & Sweeper (BPS-1).	Experience in the relevant field.	18 to 45 years.	By initial recruitment.

PART-II
MINISTERIAL STAFF

34	Assistant Accounts Officers (BPS-17)			By promotion on the basis of seniority-cum-fitness, from amongst the holders of the posts of Administrative Officers / Superintendents.
35	Administrative Officers (BPS-16).			"By transfer from amongst the Superintendents".
36	Superintendents (BPS-16).			a). Ninety percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant / Accountants with five years service as such; and b). ten percent by promotion, on the basis of seniority-cum-fitness, from Senior Scale Stenographers with five years service as such.
37	Senior Scale Stenographers (BS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers / Computer Operators with three years service as such.
38	Assistants / Accountants (BPS-14).	At least 2 nd Division Bachelor's Degree from a recognized University.	18 to 28 years.	(a). Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from Senior Auditors / Seniors Clerks with three years service as such; and (b). twenty-five percent by initial recruitment.
39	Junior Scale Stenographers (BPS-12).	(a). Secondary School Certificate or an equivalent qualification from a recognized Board; and (b). a speed of eighty words per minute in shorthand in English and thirty-five words per minute in typing.	18 to 28 years.	By initial recruitment.
40	Computer Operators (BS-12).	At least 2 nd Division Bachelor's Degree from a recognized university with one year diploma in Information Technology	18 to 28 years.	By initial recruitment.
41	Video Camera Operator (BPS-10).	At least 2 nd Division Secondary School Certificate with two years experience in Outdoor Seismograph	18 to 28 years.	By initial recruitment.

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42	Senior Clerks (BPS-9).	Documentary Editing and Commercial.		By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks / Time Keepers / Store Keepers and Depot Keepers with two years service as such.
43	Senior Auditors (BPS-8).			By promotion, on the basis of seniority-cum-fitness, from amongst Junior Auditors with two years service as such.
44	Junior Clerks (BSPS-7).	(a). Secondary School Certificate or an equivalent qualification from a recognized Board; and (b). a speed of thirty words per minute in typing.	18 to 28 years.	(a) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of all Class-IV posts provided that they possess secondary school certificate with two years service as such; and (b) Sixty-seven percent by initial recruitment.
45	Junior Auditors (BPS-6).	Secondary School Certificate or an equivalent qualification from a recognized Board;	18 to 28 years.	By initial recruitment.
46	Store Keepers/Time Keepers and Depot keepers (BPS-5).	Secondary School Certificate or an equivalent qualification from a recognized Board.	18 to 28 years.	By initial recruitment.
47	Calligraphers (BPS-5).	Three years experience in the art of calligraphy.	18 to 32 years.	By initial recruitment.
48	Daffaries (BPS-2).	Middle Pass.	18 to 45 years.	By promotion, from amongst Naib Qasids who are middle passed.
49	Naib Qasids (BPS-1).	Preferably literate.	18 to 45 years.	By initial recruitment.
50	Chowkidars and Security Guards (BPS-1).	Having experienced in watch and ward duty.	18 to 45 years.	By initial recruitment.

SECRETARY TO GOVERNMENT OF
 THE KHYBER PAKHTUNKHWA,
 AGRIC. LIVESTOCK AND COOP. DEPARTMENT.

Encls. of even No. & Date.

Copy forwarded for information and necessary action to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Law Department w/r to his letter No.LD/REG/1(6)76/Vol-II dated 06.01.2012.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The All District Coordination Officers, Khyber Pakhtunkhwa.
6. The All Executive District Officers (Agriculture), Khyber Pakhtunkhwa.
7. The Secretary to Governor, Khyber Pakhtunkhwa.
8. The PSO to Chief Minister, Khyber Pakhtunkhwa.
9. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. The PS to Additional Chief Secretary, FATA, Warsak Road, Peshawar.
11. The PS to Minister for Agriculture, Khyber Pakhtunkhwa.
12. The Director General, Agricultural (Extension), Khyber Pakhtunkhwa, Peshawar
13. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department along with details of gazette in which is published.
14. PS to Secretary Agriculture.

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 (MUHAMMAD ZAHID)
 SECTION OFFICER-ESTT.

(03)

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KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

02/09/09
Dated Peshawar the 17th September

NOTIFICATION

J-Admn(MD)1-6/88.Vol-V. In pursuance of the provisions contained in sub-rule (2) of the North West Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules, 1939, and in supersession of all Notifications issued in this behalf by the Minerals Development Department, in consultation with the Establishment Department and the Finance Department, hereby lay down the method of recruitment, qualifications and other conditions specified in column No.3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Directorate General Mines & Minerals, Khyber Pakhtunkhwa, specified in column No.2 of the said Appendix.

Secretary to Govt. of Khyber Pakhtunkhwa
Minerals Development Department

Order No. SO-Admn(MD)1-6/88.Vol-V

3329-41
Dated Peshawar the 17th September 2010
October

Copy is forwarded to:-

- 1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- 2. The Secretary to Governor, Khyber Pakhtunkhwa.
- 3. The Principal Staff Officer to Chief Minister, Khyber Pakhtunkhwa.
- 4. The Director General, Mines & Minerals Khyber Pakhtunkhwa.
- 5. All Heads of Attached Department.
- 6. All DCO's/PA's in Khyber Pakhtunkhwa.
- 7. All District & Sessions Judges, Khyber Pakhtunkhwa.
- 8. The Registrar, Peshawar High Court, Peshawar.
- 9. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 10. The Registrar, Khyber Pakhtunkhwa Services Tribunal, Peshawar.
- 11. AS to Minister for Minerals Development, Khyber Pakhtunkhwa, Peshawar.
- 12. The Section Officer (O&M), Government of Khyber Pakhtunkhwa, Establishment Department.
- 13. The Manager, Printing Press, Peshawar with the request to furnish fifty printed copies of Gazette notification to this Department.


(SYED WALI KHAN)
Section Officer (Admn.)

A.O. 2
25/7/10

APPENDIX
DIRECTORATE GENERAL MINES AND MINERALS

02

1.	2.	3.	4.	5.
Nomenclature of the post.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.	
1.	Director General Mines and Minerals (BPS-20).			(a) By promotion, on the basis of selection on merit, from amongst the Director Exploration (Minerals), Director Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare having at least seventeen years service in BPS-17 and above, and in case of persons initially appointed in BS-18 the length of service for promotion to the post shall be twelve years in BPS-18 and above; or (b) by transfer from the provincial Government Department.
EXPLORATION PROMOTION DIVISION				
2.	Director Exploration (Minerals) (BPS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Exploration) with at least twelve years service in BPS-17 and above.
3.	Deputy Director (Exploration) (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Geologist) and Assistant Directors (Mining Engineer) with at least five years service as such.
4.	Manager Geographical Information System (GIS) (BPS-18).	(a) Master's Degree in Geographical Information System (GIS) or Computer Science or equivalent qualification from recognized University; and (b) minimum of five years Geo-graphical Information System related experience from a reputed Organization.	25 to 45 years.	By initial recruitment.
5.	Assistant Director (Geologist) (BPS-17).	Master's Degree in Geology from a recognized University	21 to 30 years.	(a) By initial recruitment; or (b) If no suitable candidate is available for initial recruitment, then by transfer from amongst the Assistant Directors (Geologists).

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ASST. Director
Mining Engineer
(BPS-17)

		Bachelor's Degree in Mining Engineering from a recognized University.	21 to 30 years.	(a) By initial recruitment; or (b) If no suitable candidate is available by initial recruitment then by transfer from amongst the Assistant Directors (Mining Engineers).
7.	Geographical Information System(GIS) Development Officer (BPS-17).	(a) Master's Degree in Geographical Information System from a recognized University; or (b) Master's Degree in Geography/Geology from a recognized University with one-year Diploma in Geographical Information System from a recognized Institute/University.	21 to 32 years.	By initial recruitment.
8.	Database Administrator (BPS-17).	Master's Degree in Computer Science or equivalent qualification, from a recognized University with one-year Diploma in Geographical Information System from a recognized Institute/University.	21 to 32 years.	By initial recruitment.
9.	Manager Information (BPS-17).	Master's Degree in Computer Science or Business Administration or Geology or equivalent qualification from a recognized University with one year Diploma in Geographical Information System from a recognized Institute/University.	21 to 32 years.	By initial recruitment.
10.	Librarian (BPS-16).	Master's Degree in Library Science from a recognized University.	21 to 32 years.	By initial recruitment.
11.	Computer Technician (BPS-16).	Bachelor's Degree with Computer Science from a recognized University.	21 to 32 years.	By initial recruitment.
12.	Data Entry Operator (BPS-12).	Bachelor's Degree with Computer Science from a recognized University with 5,000 key depressions per hours for processing/data entry information.	21 to 32 years.	By initial recruitment.

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13	Chief Draftsman (BPS-11)	Intermediate with Certificate or Diploma in Cartography from a recognized Board, with two years experience in AutoCAD/Geographical Information System Software.	21 to 32 years.	By initial recruitment.
LICENSING DIVISION				
14	Director Licensing (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Technical), with at least twelve years service in BPS-17 and above.
15	Deputy Director Technical (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Technical) (Mining Engineer)/ Geologists/Assistant Directors (Royalty), with at least five years service as such.
16	Assistant Director Technical (Mining Engineer) (BPS-17)	Bachelor's Degree in Mining Engineering, from a recognized University,	21 to 30 years.	(a) Thirty-five per cent by promotion, on the basis of seniority-cum-fitness from amongst the Mineral Development Officers (Technical) with at least five years service as such; (b) fifteen per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Mineral Development Officer (Non-Technical) with at least five years service as such; and (c) fifty per cent by initial recruitment.
17	Geologist (BPS-17)	Master's Degree, in Geology from a recognized University.	21 to 30 years.	(a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Mineral Development Officers (Technical) with at least five years service as such.
18	Assistant Director (Royalty) (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Mineral Development Officers (Non-Technical) with at least five years service as such.
19	Assistant Director Survey and Drawing (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the survey and drawing officers with at least five years service as such.
20	Chief Draftsman (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsmen with at least five years service as such.

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22	Mineral Development Officer (Non-technical) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the post of the Royalty Inspectors with at least seven years service as such.
23	Survey & Drawing Officer (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Surveyors with at least five years service as such.
24	Royalty Inspector (BPS-11)	Bachelor's Degree from a recognized University.	21 to 30 years	By initial recruitment.
25	Surveyors (BPS-11)	(a) Intermediate (Pre Engineering) or equivalent qualification from a recognized Board, (b) Mines Surveyors competency certificate under Mines Act, 1923; and (c) Certificate in Auto CAD from a recognized Institute.	18 to 30 years	By initial recruitment.
26	Draftsman (BPS-11)	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) Diploma or Certificate in Draftsmanship / Survey from a recognized Institute.	18 to 30 years	(a) Fifty per cent by initial recruitment; and (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Tracer with at least five years service as such.
26-A	Royalty Sub Inspector (BPS-09)	Intermediate or equivalent qualification from a recognized Board.	18-30 years	(a) 30% by promotion, on the basis of seniority-cum-fitness, from amongst the Mineral Guards having Intermediate Certificate with seven years service, as such, (b) 70% by initial recruitment.
27	Tracer (BPS-5)	Secondary School Certificate or equivalent qualification with drawing as one of the subject from a recognized Board	18 to 30 years	(a) 80% by promotion, on the basis of seniority-cum-fitness from amongst the Ferro Printers with at least two years service as such, and (b) 20% by initial recruitment <i>(Notification dated 20.08.2011)</i>
28	Ferro Printer (BPS-2)	Secondary School Certificate from a recognized Board.	18 to 30 years	By initial recruitment; and
29	Chainman (BPS-1)	Secondary School Certificate from a recognized Board.	18 to 30 years	By initial recruitment; and
30	Mineral Guard (BPS-1)	Secondary School Certificate from a	18 to 30	By initial recruitment; and

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21.	Mineral Development Officer (Technical) (BPS-16)	Bachelor's Degree in Mining Engineering or Master's Degree in Geology from a recognized university	21-32 21-30 years	By initial recruitment.
22.	Mineral Development Officer (Non Technical) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the post the Royalty Inspectors with at least 10 years service as such.
23.	Survey & Drawing Officer (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Surveyors with at least five years service as such.
24.	Royalty Inspector (BPS-11)	Bachelor's Degree from a recognized university	21-30 years	By initial recruitment.
25.	Surveyors (BPS-11)	(a) Intermediate (Pre Engineering) or equivalent qualification from a recognized Board; (b) Mines Surveyors competency certificate under Mines Act, 1923; and (c) Certificate in Auto-CAD from a recognized institute.	18-30 years	By initial recruitment
26.	Draftsman (BPS-11)	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) Diploma or Certificate in Draftsmanship/ Survey from a recognized institute.	18-30 years	(a) Fifty per cent by initial recruitment; and (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Tracer with at least five years service as such.
27.	Tracer (BPS-5)	Secondary School Certificate or equivalent qualification with drawing as one of the subject from a recognized Board.	18-30 years	(a) ^{20%} Eighty per cent by initial recruitment; and <i>old file P-40/c Armeo</i> (b) ^{80%} twenty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Ferro Printer with at least two years service as such.
28.	Ferro Printer (BPS-2)	Secondary School Certificate from recognized Board	18-30 years	By initial recruitment.

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29	Chainman (BPS-01).	Secondary School Certificate from a recognized Board.	18 to 30 years.	By initial recruitment.
30	Mineral Guard (BPS-01).	Secondary School Certificate from a recognized Board.	18 to 30 years.	By initial recruitment.

INSPECTORATE OF MINES LABOUR WELFARE

31.	Chief Inspector of Mines/Commissioner Mines Labour Welfare (BPS-19).			(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Inspectors of Mines and Deputy Commissioner Mines Labour Welfare with at least twelve years service in BPS-17 and above; or (b) if no suitable candidate is available for promotion then by transfer.
32.	Deputy Commissioner Mines Labour Welfare (BPS-18).	Bachelor's Degree in Mining Engineering from a recognized University with at least seven years experience in the relevant field.	25 to 40 years.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Commissioners of Mines Labour Welfare with at least five years service as such; or (b) if no suitable candidate is available for promotion then by initial recruitment.
33.	Senior Inspector of Mines/Rescue Superintendent (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Inspector of Mines/Instructor with at least five years service as such.
34.	Inspector of Mines / Instructor (BPS-17).	(a) Bachelor's Degree in Mining Engineering from a recognized University; (b) First Class Mines Managers Certificate of competency granted under the provisions of the Mines Act, 1923; and (c) two years experience in Govt or Semi-Govt Mining Industries, registered under the Mines Act, 1923. <u>Note:</u> In case of non availability of candidates possessing the qualification at clause (b) above, a candidate possessing the remaining qualification and experience may be appointed, provided that he shall have to pass First Class Mines Manager's Certificate of competency during the probation period failing which his services shall be terminated.	21 to 33 years.	By Initial recruitment.

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35	Assistant Commissioner Mines Labour Welfare (BPS-17).	Bachelor's Degree in Mining Engineering or Master's Degree in Social Sciences from a recognized University.	21 to 32 years.	By initial recruitment.
36.	Rescue Apparatus Technician (BPS-16).	Three years Diploma in Mechanical Technology from a recognized Polytechnic Institution.	21 to 30 years.	By initial recruitment.
37.	Rescue Supervisor (BPS-16).	Bachelor's Degree in Mining Engineering from a recognized University.	21 to 30 years.	By initial recruitment.
38.	Secretary Mines (BPS-16).			By promotion, on the basis of seniority-cum-fitness, amongst the Project Mechanic with at least three years service at such.
39.	Project Mechanic (BPS-14)	Three years Diploma in Electrical or Mechanical Engineering from a recognized Institute. Preference will be given to the candidate having some experience in the field.	21 to 30 years.	By initial recruitment.
40.	Overseer (BPS-14).	Three years Diploma in Civil Engineering from a recognized Institute.	21 to 32 years.	By initial recruitment.
41.	Medical Technician (BPS-11).	(a) Secondary School certificate with science, from a recognized Board; (b) Certificate of Medical Technician from a recognized Medical Faculty; and (c) two years experience, in the relevant field.	18 to 30 years.	By initial recruitment.
MINERALS TESTING LABORATORY				
42.	Chief Geochemist (BPS-19).	Master's Degree in Chemistry or Geology from a recognized University with twelve years experience in Mineral Testing/Analysis and Mineralogical Studies respectively.		(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Chemists and Senior Mineralogists with at least twelve years service in BPS-17 and above; (b) if no suitable officer is available for promotion then by initial recruitment.

43	Principal Research Officer (BPS-19).	(a) Bachelor's Degree in metallurgical or Mining Engineering from a recognized University; and (b) at least twelve years experience of Research Development work for Mineral Processing, Up-gradation, Concentration or Extraction conducted in any reputable Research and Development Organization or Mineral Processing Laboratory or Mineral Based Industry.	30 to 45 years.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Mineral Processing Engineers with at least twelve years service in BPS-17 and above; or (b) if no suitable officer is available for promotion then by initial recruitment.
44.	Senior Chemist (BPS-18).			By promotion on the basis of seniority-cum-fitness from amongst the Assistant Chemists with at least five years service in BPS-17 as such.
45.	Senior Mineral Processing Engineer (BPS-18).	(a) Bachelor's Degree in Metallurgical or Mining Engineering from a recognized University; and (b) at least seven years experience of Research and Development work for Mineral Processing, Up-gradation, Concentration or Extraction conducted in any reputable Research and Development Organization or Mineral Processing Laboratory or Mineral Based Industry.	28 to 40 years.	By initial recruitment.
46.	Senior Mineralogist (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Mineralogists and Assistant Gemologists with at least five years service in BPS-17 as such.
47.	Assistant Gemologist (BPS-17).	Master's Degree in Geology with Specialization in Mineralogy / Petrology from a recognized University.	25 to 35 years.	By initial recruitment.
48.	Assistant Mineralogist (BPS-17).	Master's Degree in Geology with specialization in Mineralogy/Petrology from a recognized University.	21 to 32 years.	By initial recruitment.
49.	Assistant Chemist (BPS-17).	Master's Degree in Chemistry with specialization in Inorganic/Analytical or Applied Chemistry from a recognized University.	21 to 32 years.	By initial recruitment.

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	Laboratory Technician (BPS-14).	Intermediate from a recognized Board with Diploma in Mechanical, Chemical or Electrical from a recognized Technical Board with seven years experience in the relevant field.	21 to 32 years.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Laboratory Technician with at least five years service in BPS-11 and above. (b) If no suitable person is available for promotion then by initial recruitment.
51.	Junior Laboratory Technician (BPS-11).	Secondary School Certificate from a recognized Board with Diploma in Chemical / Mechanical or Electrical Technology from a recognized Technical Board with at least five years experience in the relevant field.	21 to 32 years.	By initial recruitment.
52.	Electrical Supervisor (BPS-10).	Secondary School Certificate with Diploma in Electrical Technology from a recognized Technical Board with at least five years experience of work as Electrician in any reputable Organization.	18 to 32 years.	By initial recruitment.
53.	Laboratory Attendant (BPS-1).	Literate.	18 to 32 years.	By initial recruitment.
COMMON POSTS				
54.	Assistant Director (Administration) (BPS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Administrative Officers having three years experience as Administrative Officer.
55.	Assistant Director (Accounts) (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Budget and Accounts Officers having three years experience as Budget and Accounts Officer.
56.	Assistant Director (Planning and Development) (BPS-17).	(a) Bachelor's Degree in Mining Engineering, from a recognized University; or (b) Master in Business Administration, Commerce, Geology and Economic from a recognized University.	21 to 32 years.	By initial recruitment.

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53	Laboratory Attendant (BPS-1)	Literate	18 to 32 years	By initial recruitment.
COMMON POSTS				
54	Assistant Director (Administration) (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Administrative Officers having three years experience as Administrative Officer.
55	Assistant Director (Accounts) (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Budget and Accounts Officers having three years experience as Budget and Accounts Officer.
56	Assistant Director (Planning and Development) (BPS-17)	(a) Bachelor's Degree in Mining Engineering from a recognized University; or (b) Master in Business Administration, Commerce, Geology and Economic from a recognized University.	21 to 32 years	By initial recruitment.
56-A	Accounts Officer (BPS-17)	---	---	By transfer from Accountant General Office on deputation" <i>(Notification dated 10.05.2012)</i>
56-B	Assistant Director (Litigation) (BPS-17)	---	---	By transfer of officer of equivalent pay scale from Govt. Department having degree of L.L.B from a recognized University. <i>(Notification dated 10.05.2012)</i>
57	Administrative Officer (BPS-16)			By transfer, from amongst the Superintendents
58	Budget and Accounts Officer (BPS-16)			By transfer, from amongst the Superintendents
59	Superintendents (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants/Senior Scale Stenographers with at least five years service as such. Note: Joint seniority of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion to the post of Superintendent. Provided that when the date of continuous appointment of an Assistant and Senior Scale Stenographer is the same, the Assistant shall be deemed to be rank senior to the Senior Scale Stenographer.

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60	Senior Scale Stenographer (BPS-15)	(i) Bachelor's Degree or equivalent qualification from a recognized University; and (ii) a speed of 100 words per minute in short hand in English and 40 words in typing.	21 to 32 years	(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five years service as such; and (b) twenty per cent by initial recruitment.
61	Assistant (BPS-14)	Bachelor's Degree from a recognized University	21 to 32 years	(a) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as such; and (b) twenty-five per cent by initial recruitment.
62	Junior Scale Stenographer (BPS-12)	(i) Intermediate or equivalent qualification from a recognized Board; and (ii) a speed of 80 words per minute in short hand in English and 35 words in typing.	18 to 28 years 32	By initial recruitment.
63	Computer Operator (BPS-12)	At least 2 nd class Bachelor's Degree from a recognized University with one year diploma in Information Technology from a recognized Board of Technical Education or its equivalent.	21 to 30 years	By initial recruitment.
64	Senior Clerk (BPS-09)		32	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least five years service as such.
65	Junior Clerk (BPS-07)	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to 28 years 32	(a) Thirty-three per cent by promotion, from amongst BPS-01 and BPS-02, who have passed Secondary School Certificate from recognized Board and have at least two years service as such; and (b) sixty-seven per cent by initial recruitment. <u>Note:</u> A candidate passing the examination earlier shall rank senior the candidates passing the examination latter; provided that if two or more candidates have passed the said examination in the same session, the candidate older in age shall rank senior to the younger candidate.

66	Crue-man (BPS-05)	(i) Secondary School Certificate with science from a recognized Board; and (ii) Mines Sardar Certificate granted under the Coal Mines Regulation, 1926. <u>Note:</u> Preference shall be given to the candidate having experience in rescue and recovery as rescue apprentice at any recognized Mines Rescue and Safety Station.	18 to 30 years	By initial recruitment.
67	Tube-well Operator (BPS-05)	Secondary School Certificate from a recognized Board. <u>Note:</u> Preference shall be given to the candidate having some experience in Tube-well Operations.	18 to 30 years	By initial recruitment.
68	Driver (BPS-04)	(i) Literate; and (ii) in possession of a valid HTV/LTV Driving License with five years practical experience.	18 to 40 years ³²	By initial recruitment.
69	Daftari (BPS-04)			By promotion amongst the Naib Qasids
70	Naib Qasid (BPS-03)		18 to 40 years	(a) Fifty percent by initial recruitment; (b) fifty percent by transfer from amongst the Chowkidars & Malis.
71	Chowkidar (BPS-03)		18 to 40 years	By initial recruitment.
72	Mali (BPS-01)	Gardening experience	18 to 40 years	By initial recruitment.
73	Sweeper (BPS-03)		18 to 40 years	By initial recruitment.

Notified vide Notification No. SO-Admn(MD)1-6/88/Vol-V/3329-41 dated 17.10.2010
Amendments made at Serial No.69 to 73 vide Notified No. SOE(MDD)2-1/Vol-I/1116-21 dated 18.06.2015

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57	Administrative Officer (BPS-16).			By transfer, from amongst the Superintendents.
58	Budget and Accounts Officer (BPS-16)			By transfer, from amongst the Superintendents.
59.	Superintendent (BPS-16).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants/Senior Scale Stenographers with at least five years service as such. Note: Joint seniority of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion to the post of Superintendent. Provided that when the date of continuous appointment of an Assistant and Senior Scale Stenographer is the same, the Assistant shall be deemed to be rank senior to the Senior Scale Stenographer.
60.	Senior Scale Stenographer (BPS-15).	(i) Bachelor's Degree or equivalent qualification from a recognized University; and (ii) a speed of 100 words per minute in short hand in English and 40 words in typing.	21 to 32 years.	(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five years service as such; and (b) twenty per cent by initial recruitment.
61.	Assistant (BPS-14).	Bachelor's Degree from a recognized University.	21 to 32 years.	(a) Seventy-five per cent by promotion, on the basis seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as such; and (b) twenty-five per cent by initial recruitment.
62.	Junior Scale Stenographer (BPS-12).	(i) Intermediate or equivalent qualification from a recognized Board; and (ii) a speed of 80 words per minute in short hand in English and 35 words in typing.	18 to 20 ³² years.	By initial recruitment.
63.	Computer Operator / Data Entry Operator / Key Punch Operator (BPS-12).	(i) Intermediate with statistics as one of the subject from a recognized Board; and (ii) a minimum speed of 10,000 key depression per hour for punching/data entry verification.	10 to 20 ³² years.	By initial recruitment.

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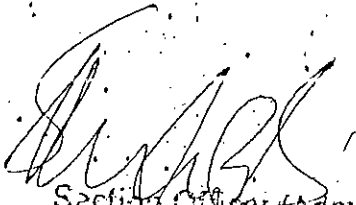
64	Senior Clerk (BPS-09).			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least five years service as such.
65.	Junior Clerk (BPS-07).	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to ³² 28 years.	(a) Thirty-three per cent by promotion, from amongst BPS-01 and BPS-02, who have passed Secondary School Certificate from recognized Board and have at least two years service as such; and (b) sixty seven per cent by initial recruitment. <u>Note:</u> A candidate passing the examination earlier shall rank senior the candidates passing the examination latter, provided that if two or more candidates have passed the said examination in the same session. The candidate, older in age shall rank senior to the younger candidate.
66.	Crue-man (BPS-05).	(i) Secondary School Certificate with science, from a recognized Board; and (ii) Mine Sardar Certificate granted under the Coal Mines Regulation, 1926. <u>Note:</u> Preference shall be given to the candidate, having experience in rescue and recovery, as rescue apprentice, at any recognized Mines Rescue and Safety Station.	18 to 30 years.	By initial recruitment.
67.	Tube-well Operator (BPS-05).	Secondary School Certificate from a recognized Board; <u>Note:</u> Preference shall be given to the candidate, having some experience, in Tube-well Operations.	18 to 30 years.	By initial recruitment.
6A	Driver (BPS-04).	(i). Literate; and (ii) in possession of a valid HTV/LTV Driving License with five years practical experience.	18 to 32 years.	By initial recruitment.

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69	Daftari (BPS-02).	Middle passed.	(18 to 28) years. 18-32	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids; and (b) fifty per cent by initial recruitment.
70.	Naib Qasid (BPS-01).		(18 to 28) years. 18-32	By initial recruitment.
71.	Chowkidar (BPS-01).		(18 to 28) years. 18-32	By initial recruitment.
72.	Mali (BPS-01).	Gardening experience.	(18 to 30) years. 18-32	By initial recruitment.
73.	Sweeper (BPS-01).		(18 to 28) years. 18-32	By initial recruitment.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT.


 Section Officer (Admin.)
 Government of N.W.F.P.
 Mineral Dev. Department,
 Peshawar.

- 20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
- 21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
- 22. Master file


SECTION OFFICER (Primary)

10.	Driver (BPS-04)	Having valid Driving License and preferably Literate.	18 to 32 Years	By Initial recruitment
11.	Naib Qasid /Chowkidar/ Behshti/Cook/Bearer/ Shop Attendant/ Laboratory Attendant etc	Preferably Literate	18 to 30 Years	By Initial recruitment

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA.
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.

	Stenographers (BPS-16)	qualification from a recognized University; (ii) Speed of Seventy words per minute in shorthand in English and Forty Five words per minute in typing; and (iii) Knowledge of Computer in using MS words and MS Excel.	Years	fitness from amongst the Junior Scale Stenographers (BPS-14) with at least five years service as such.
6.	Assistant (BPS-14)	At least Second Class Bachelor's Degree from a recognized University	20 to 30 Years	(a) Seventy five per cent by promotion, on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years service as such; and (b) Twenty five per cent by initial recruitment
7.	Junior Scale Stenographers (BPS-14)	(i) Intermediate or equivalent qualifications from a recognized Board; (ii) Speed of Fifty words per minute in shorthand in English and Thirty Five words per minute in typing; and (iii) Knowledge of Computer in using MS words and MS Excel.	18 to 30 Years	By Initial recruitment
8.	Senior Clerks (BPS-09)			By promotion on the basis of seniority cum fitness from amongst the Junior Clerks, Assistant Store Keepers and Laboratory Assistants with at least two years service as such.
9.	Junior Clerk/Assistant Store Keeper/Laboratory Assistant (BPS-07)	(i) For Junior Clerk / Assistant Store Keepers having at least Second Division in Secondary School Certificate or equivalent qualifications from a recognized Board and a speed of twenty five words per minute in typing ; (ii) For Laboratory Assistants having at least Second Division in Secondary School Certificate or equivalent qualifications from a recognized Board with Science.	18 to 30 Years	(a) Thirty Three per cent by promotion, on the basis of seniority-cum-fitness from amongst the Daftaries, G/Operators, Qasids and Naib Qasids including other equivalent posts in the attached department /offices/institutions with at least Two years service as such and having qualification mentioned in column No. 3. (b) Sixty Seven per cent by initial recruitment Note: - For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc including other equivalent posts in the attached department /offices/institutions with reference to the dates of their regular appointment or acquiring Secondary School Certificate whichever is later.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Peshawar, dated the 28th January, 2013

NOTIFICATION

No.SO(PE)/4-10/SSRC/Ministerial Staff/2013:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, and in supersession of all rules issued in this behalf to the extent of the Elementary and Secondary Education Department the (E&SE Department) in consultation with the Establishment Department and 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 the posts borne on the ministerial establishment in the Elementary and Secondary Education Department specified in Column No.2 of the said Appendix.

APPENDIX

S. NO	NOMENCLATURE	MINIMUM QUALIFICATION AND EXPERIENCE FOR INITIAL APPOINTMENT OR BY TRANSFER	AGE LIMIT	METHOD OF RECRUITMENT (EXISTING)
1	2	3	4	5
1.	Deputy Director (Finance and Accounts) / Deputy Director (Administration) (BPS-18)			By promotion on the basis of seniority-cum-fitness from amongst the Assistant Directors (Finance and Accounts) & Assistant Directors (Administration) with at least five years service as such.
2.	Assistant Director (Finance and Accounts) / Assistant Director (Administration) (BPS-17)			By promotion on the basis of seniority cum fitness from amongst the Budget and Accounts Officers with at least two years service as such.
3.	Budget and Accounts Officer (BPS-16)			By promotion on the basis of seniority cum fitness from amongst the Superintendents with at least two years service as such.
4.	Superintendent (BPS-16)			By promotion on the basis of seniority cum fitness amongst the holders of the posts of Assistants and Senior Scale Stenographers with at least five years service as such.
5.	Senior Scale	(i) At least Second Class Bachelor's Degree or equivalent	20 to 30	By promotion on the basis of seniority cum



(5)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT**

Dated Peshawar the 17th February, 2011

NOTIFICATION

No. SO(E)/IRRI/23-5/73: In pursuance of the provisions contained in sub rule (2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous rules and notifications, issued in this behalf, except Notification No. SO(E)IRR:/23-5/73 dated 20-12-2006, the Irrigation Department, in consultation with the Establishment Department and the Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns No. 3 to 5 of the Appendix (pages 1 to 5) to this Notification which shall be applicable to the posts in column No. 2 of the Appendix.

**Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT**

Dated Peshawar the 25th June, 2012

NOTIFICATION

No. SO(E)/IRRI/23-5/2010-11: 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, the Irrigation Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(E)IRR:/23-5/73 dated 17-02-2011, the following amendments shall be made namely:-

AMENDMENTS

In the Appendix,

- i. Against Serial No. 4, in column No. 5, for the existing entries, in clause (b), (c) and (d), the following shall be respectively substituted, namely:

(b) Twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having degree in Civil Engineering or Mechanical Engineering from a recognized university and have passed departmental grade B&A examination with five years service as such.

Note: For the purpose of Clause (b), a joint seniority list of the Sub Engineers having Degree in Civil Engineering or Mechanical Engineering shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer.

(c) Eight percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, having Degree in B. Tech (Hons) and have passed departmental Grade B and A examination with five years service as such; and

Note: For the purpose of clause (c), a seniority list of Sub Engineers having Degree in B. Tech (Hons) shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as Sub Engineer.

(d) Fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers, who hold a Diploma of Associate Engineer in Civil, Mechanical, Electrical or Auto Technology and have passed departmental Grade B and A examination, with five years service as such.

Note: For the purpose of clause (d), a seniority list of Sub Engineers having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology shall be maintained and their seniority is to be reckoned from the date of their 1st appointment as sub Engineer.

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25TH JUNE, 2012

Note: The quota of clause (b), (c) and (d), above respectively shall be filled in by initial recruitment, if no suitable Sub Engineer is available for promotion:

- ii. Against serial No. 5, in column No. 5, for the existing entries in clause (b), the following shall be substituted, namely:
 - (b) Fifteen percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors, having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized Board of Technical Education, having passed the departmental Grade-B and Grade-A examination, with at-least seven years service as such; and
 - (c) Five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Work Munshi, Surveyors, and Work Superintendent, having passed the departmental Grade-B examination with at-least ten years service as such;
- iii. Against serial No. 7, in column No. 5, for the words "three years" the words "one year" shall be substituted;
- iv. Against serial No. 9, in column No. 3, for the existing entry the following shall be substituted, namely:
 - a. Bachelor Degree or equivalent qualification form a recognized University; and
 - b. A speed of 80 words per minute in short hand in English and 40 words per minute n English typing; and
- v. Against serial No. 13, in column. No. 5, in clause (b), the words and figures "and are under 45 years of age" shall be deleted.

**Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department**

DRAFT NOTIFICATION



**GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT**

Dated Peshawar the 9th October, 2017

NOTIFICATION

No. SO(E)/IRRI/23-5/73/Vol-III: 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, the Irrigation Department in consultation with the Establishment Department and Finance Department, hereby notifies that in this Department's Notifications No. SO(E)IRR:/23-5/73 dated 20.12.2006 and No. SO(E)IRR/23-5/73 dated 17.02.2011, the following further amendments shall be made namely:-

AMENDMENTS

In the Appendix:-

- (i) against Sr. No. 1, in Column No. 5, in this Department Notification No. SO(E)IRR/23-5/73 dated 17.02.2011 after the word "University" the words "and have successfully completed Senior Management Course Training" shall be added.
- (ii) against Sr. No. 1 to 27 in Column No. 2 vide Notification No. SO(E)IRR/23-5/73 dated 17.02.2011 and Sr.No. 1 to 118 in Column No. 2 vide Notification No. SO(E)IRR/23-5/73 dated 20.12.2006, the Basic Pay Scales mentioned after nomenclature of all posts, shall be deleted.
- (iii) For the existing entries, against S. No. 9, 20, 51, 57, 58, 75, 86, 87, 88, 89, 96 to 101 and 103 to 118 in Column No. 4 vide Notification No. SO(E)IRR/23-5/73 dated 20.12.2006, the age limit shall be substituted as "**18 to 40 years**".
- (iv) the word "Assistant Land Reclamation Officer" mentioned against Sr. No. 17 in Column No. 2 vide Notification No. SO(E)IRR/23-5/73 dated 17.02.2011 shall be deleted and
- (v) against Sr. No. 7 in Column No. 2 after the word "Work Munshi", the words "/Canal Inspector/Work Taker" and against Sr. No. 6 in Column 5 after the word "Canal Inspector", the word "Work Taker" shall be added.

Secretary to Govt. of Khyber Pakhtunkhwa
Irrigation Department

Endst: No and date even

Copy of the above is forwarded:-

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Secretary to Governor, Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Additional Accountant General (PR, Sub Office), Peshawar.
6. The All Commissioner in Khyber Pakhtunkhwa.
7. All Heads of Irrigation Department, Khyber Pakhtunkhwa.
8. All Deputy Commissioners/P.As in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. The Secretary, Board of Revenue, Khyber Pakhtunkhwa.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. All Superintending Engineers in Irrigation Department.
14. All Executive Engineers of Irrigation Department.
15. PS to Chief Secretary, Khyber Pakhtunkhwa.
16. PS to Secretary Irrigation Department, Peshawar.
17. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar.
He is requested to supply 200 copies of the printed gazette, for further distribution.
18. PA to Additional Secretary, Irrigation Department, Peshawar
19. Master File.

(FAZAL ELAHI)
Section Officer (Estt)

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 2ND APRIL, 2011

APPENDIX

S.#	Nomenclature of Post	Qualification for appointment	Age Limit	Method of Recruitment
1	2	3	4	5
PART -I- ENGINEERING STAFF				
1	Chief Engineer/ Director General (BPS-20)	-	-	By selection, on merit from amongst the Senior Superintending Engineers and Directors with at least seventeen years service in BPS-17 and above, possessing Degree in B.E/B.Sc Engineering (Civil) from a recognized University.
2	Superintending Engineer/Director (BPS-19)	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Deputy Directors with at least twelve years service in BPS-17 and above.
3	Executive Engineer/Deputy Director (BPS-18)	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers, Assistant Engineers and Assistant Directors possessing Degree in B.E/BSc Engineering (Civil or Mechanical) from a recognized University, with at least five years service as such, and have passed the Professional or Revenue Examination under the prescribed rules.
4	Assistant Engineer/Sub Divisional Officer/Assistant Director (BPS-17)	BE/BSc Degree in Civil/Mechanical Engineering from a recognized University	21 to 32 years	<ul style="list-style-type: none"> a. Sixty five percent by initial recruitment. b. Ten percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineer's who has acquired during service degree in Civil or Mechanical Engineering from a recognize University. c. Five percent by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineer's who joined service as degree holders in Civil/Mechanical Engineering and d. Twenty percent by promotion, on the basis of seniority-cum-fitness from amongst the Sub Engineer's, who hold a diploma of Civil, Mechanical, Electrical or Auto Technology and have passed Departmental Grade A examination with ten years service as such. <p>Note: Provided tht where candidate under Clause (b) & (c) above is not available for promotion, the vacancy shall be filled in by initial recruitment.</p>
5	Sub Engineer (BPS-11)	Diploma of Associate Engineering in Civil/Mechanical/Auto/Electrical Technology from a recognized Institute.	18 to 30 years	<ul style="list-style-type: none"> a. Eighty percent by initial recruitment; and b. Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Canal Inspectors, Work Takers, Gauge Readers, Surveyors and other establishments having Diploma of Associate Engineering in Civil, Mechanical, Electrical or Auto Technology from a recognized institute or Board of Technical Education of Government with at least ten years service, and have passed the departmental Grade B and Grade A examination.

12	Accounts Clerk/Senior Clerk (BPS-09)			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least 5 years service in the respective regional or Circle cadre as such; Note: Promotion to the post of Accounts Clerk or Senior Clerk in Regional Office Cadre shall be considered from amongst the Junior Clerks of Regional Office Cadre and that of Circle Office Cadre from amongst the Junior Clerks of Circle Office Cadre.
13	Junior Clerk (BPS-07)	(a) Secondary School Certificate from a recognized Board; and (b) A speed of 30 words per minute in English typing.	18 to 30 years	a. Sixty Seven percent by initial recruitment; and b. Thirty three percent by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars and other equivalent posts who have Secondary School Certificate and are under 45 years of age and have at least two years service as such in the respective Regional and Circle Office Cadre. Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars with reference to the date of regular appointment to the post or that of acquiring the Secondary School certificate whichever is later, provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.
PART-III COMPUTER ESTABLISHMENT				
14	Data Processing Supervisor (BPS-14)	Bachelor's Degree from a recognized University with 03 years Diploma in Computer Science, from recognized institute	18 to 30 years	a. Twenty five percent by initial recruitment; and b. Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Entry Operators and Key Punch Operators with five years service as such.
15	Date Entry Operator/Key Punch Operator (BPS-12)	Intermediate with one year Diploma in computer science from a recognize institute with speed of 10000 key depression per hour	18 to 30 years	By initial recruitment.
PART-IV REVENUE ESTABLISHMENT				
16	Canal Collector (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Collectors and Assistant Land Reclamation Officers with five years service as such.
17	Deputy Collector/Assistant Land Reclamation Officer (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst Zilladars with at least five years service as such.

8	Zilladar (BPS-14)	Bachelor's degree or equivalent qualification from a recognized University.	21 to 30 years	<p>a. Seventy percent by initial recruitment; and</p> <p>b. Thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Head Vernacular Clerks with six years experience and Vernacular Clerk/Revenue Inspector with ten years service and having passed Secondary School Certificate Examination from recognized Board.</p> <p>Note: Promotion of Head Vernacular Clerks (BPS-7) to the post of Zilladar (BPS-14) shall be considered only in the circle where no post of Head Vernacular Clerk (BPS-10) exist.</p>
19	Revenue Inspector (BPS-10)	Intermediate or equivalent qualification from a recognized Board.	18 to 30 years	By initial recruitment.
20	Head Vernacular Clerk (BPS10)			By promotion, on the basis of seniority-cum-fitness, from amongst the Vernacular Clerks in the circle where the vacancies occur.
21	Vernacular Clerk (BPS-7)	Secondary School Certificate, from a recognized Board.		By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris having five years service as such in the Circle where the vacancies occur.
22	Patwari (BPS-5)	Secondary School Certificate from a recognized Board with one year Patwar training in Irrigation Department and have passed Irrigation Patwar Examination.	18 to 35 years	By initial recruitment.
PART-V DRAWING ESTABLISHMENT				
23	Chief Draftsman (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsman with three years service as such.

24	Circle Head Draftsman (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Divisional Head Draftsman with three years service as such.
25	Divisional Head Draftsman (BPS-13)			By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsman, who have passed the prescribed departmental examination for appointment as Head Draftsman with three years service as such.
26	Draftsman (BPS-10)	<ul style="list-style-type: none"> a. Secondary School Certificate from a recognized Board; and b. Two years Certificate course in Civil Draftsmanship from a recognized institute/Board of Technical Education. 	18 to 30 years.	<ul style="list-style-type: none"> a. Fifty perent by initial recruitment. b. Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the tracers having Certificate of Civil Draftsman course or two years duration from a recognized Board of Technical Education with three years service as such; and c. Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers who have qualified the prescribed Departmental Examination of Draftsman and having three years service as such. <p>Note: If no suitable candidates is available for promotion against the quota at (b) then the vacancy shall be filled-in by the way as prescribed at (c) and Vice Versa.</p>
27	Tracer (BPS-5)	<ul style="list-style-type: none"> a. Secondary School Certificate from recognized Board; and b. Tracer Course of at least six months duration from a recognized Institute or Board of Technical Education. 	18 to 30 years	By initial Recruitment.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No.....868..... of 20 19

.....Htikha Khan..... Appellant/Petitioner

Versus

.....through Chief Secy Peshawar..... Respondent
Respondent No.....1.....

Notice to: —

through Chief Secretary Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....13/1/2020.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so, on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....17/1/2020.....

Day of.....Dec 20 19.....



**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No. 868 of 20 19

Iftikhar Khan Appellant/Petitioner

Versus

Through Chief Secy Peshawar Respondent
Respondent No. 2

Notice to: The Secretary Establishment Dept Peshawar

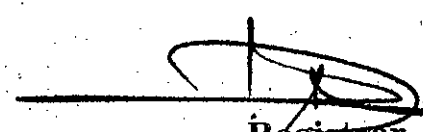
WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 13/11/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 17/11

Day of Dec 20 19


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No. 868 of 20 19

Iftikhar Khan Appellant/Petitioner

Versus

through chief Sany Peshawar Respondent
Respondent No. 3

Notice to: —

the Standing Service Rule committee through its chairman Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 13/1/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 17th.....

Day of..... Dec 20 19



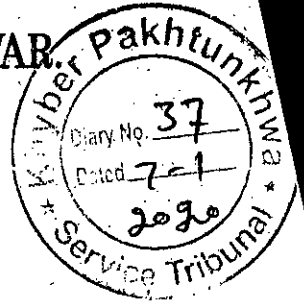
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.



No.

Appeal No. 868 of 2019

Iftikhar Khan

Appellant/Petitioner

Versus

Through Chief Secy Peshawar

Respondent

Respondent No. 4

Notice to:

The Registrar, Service Tribunal
Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 13/1/2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 17th.....

Day of..... Dec..... 2019

8/1/20

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 241 /ST

Dated 01 /02 / 2021

To


The Secretary Establishment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 868/2019, MR. IFTIKHAR KHAN.

I am directed to forward herewith a certified copy of Judgement dated 14.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

01

BEFORE THE KPK S SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 868/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1385

Dated 20-8-2018

Iftikhar Khan, Assistant (BPS-16),
Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

(APPELLANT)

VERSUS

1. The Govt: of KPK through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The secretary Establishment Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Standing Service Rules Committee through its Chairman, Khyber Pakhtunkhwa, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE NOTIFICATION/RULES DATED 03.04.2018, WHEREBY THE RESPONDENTS HAVE NOTIFIED IRRATIONAL AND DISADVANTAGEOUS RULES AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day

Registrar

20/8/18

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED RULES MAY BE DECLARED AS IRRATIONAL, DISADVANTAGEOUS TO THE MINISTERIAL CADRE OF SERVICE TRIBUNAL BY GIVING MORE CHANCE OF PROMOTION TO ONE CLASS WHILE GIVING LESS CHANCE OF PROMOTION TO OTHER CLASS. THE RESPONDENTS MAY ALSO BE DIRECTED TO

Re-submitted to -day and filed.

Registrar
27/7/19

(01)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 868/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1325

Dated 20-8-2018

Iftikhar Khan, Assistant (BPS-16),
Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

(APPELLANT)

VERSUS

1. The Govt: of KPK through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The secretary Establishment Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Standing Service Rules Committee through its Chairman, Khyber Pakhtunkhwa, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

(RESPONDENTS)

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Filed to-day

Registrar

20/8/18

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED RULES MAY BE DECLARED AS IRRATIONAL, DISADVANTAGEOUS TO THE MINISTERIAL CADRE OF SERVICE TRIBUNAL BY GIVING MORE CHANCE OF PROMOTION TO ONE CLASS WHILE GIVING LESS CHANCE OF PROMOTION TO OTHER CLASS. THE RESPONDENTS MAY ALSO BE DIRECTED TO

Re-submitted to-day and filed.

Registrar
27/7/19