

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.946/2019

BEFORE: MRS. RASHIDA BANO. ... MEMBER(J)
MR. MUHAMMAD AKBAR KHAN... MEMBER(E)

Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar Ex-Look after Superintendent at Pakistan Forest Institute Peshawar.

.... (*Appellant*)

VERSUS

1. Government of K.P.K through Secretary Environment Peshawar.
2. Secretary to Govt of K.P.K, Establishment Department Civil Secretariat, Peshawar.
3. Director General, Pakistan Forest Institute Peshawar.

.... (*Respondents*)

Mr. Saifullah Khalil
Advocate

.... For appellant

Mr. Muhammad Jan
District Attorney

.... For respondents

Date of Institution..... 16.07.2019
Date of Hearing..... 02.02.2024
Date of Decision..... 02.02.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this service appeal both the impugned orders may very kindly be set-aside and the appellant may very kindly be ordered to be promoted to the post of Superintendent BPS-17 from Jan, 2015 along with all back benefits till 17.01.2019. (Date of his retirement).”

2. Brief facts of the case as given in the memorandum of appeal are that appellant was appointed as Lower Division Clerk on 15.09.1998 and thereafter, the appellant was promoted to the post of Assistant on 25.01.2001.


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The post of Assistant was upgraded from BPS-14 to BPS-16 vide order dated 28.09.2016. On 17.01.2019 the appellant filed writ petition No. 3982-P/2018 against the respondents to place his case for promotion before the DPC, which was accepted by the Hon'ble High Court Peshawar, vide order dated 11.12.2018. Upon the direction of court order promotion case of the appellant was put before the DPC who rejected the same vide order dated 15.05.2019 against which appellant filed departmental appeal on 30.05.2019 which was dismissed vide order dated 01.07.2019, hence the instant service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that appellant has not been treated in accordance with law and rules. He further argued that the appellant has a vested right to be promoted to the post of Superintendent BPS-17 from the year 2015 as the appellant is the senior most in the seniority list. That the appellant had already performed duty as Superintendent and also held entitled for the promotion of the said post. Lastly, he submitted that appellant was retired from service on 17.01.2019 as such he is entitled for promotion since 2015 till the retirement alongwith all back benefits.

5. Conversely, learned District Attorney contended that appellant had been treated in accordance with law and rules. He further contended that PFI was declared as attached department of Environment and on 09.01.2018 all the employees including the appellant were provincialized u/s 11-B of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015. He further contended that due to devolution of PFI, all the appointments and promotion was become defunc to the extent of PFI, therefore, promotion case of the appellant could not be made. Appellant filed Writ petition which decided on 11.12.2018



wherein respondents were directed to place the promotion case of the appellant before DPC, if he otherwise deserved to be promoted. His case was placed before the DPC, wherein the committee considered his case and observed that all the employees of PFI including the appellant were on deputation to Khyber Pakhtunkhwa province u/s 10 of Civil Servants Act, 1973 as the appellant was retired from service as federal government employee on 17.01.2019 whereas service rules of PFI were notified on 16.04.2019, therefore, the DPC did not find him fit for promotion as Superintendent (BPS-17).

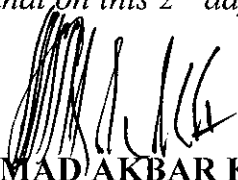
6. Perusal of record reveals that appellant was serving in respondent/department after his appointment as lower division clerk on 15.09.1998 who was firstly promoted as Assistant BPS-14 on 25.01.2001 whose post was upgraded in BPS-16 vide order dated 13.10.2016. Appellant was given look after charge of the post of superintendent BPS-17 on 06.4.2017. Appellant before his retirement on 17.01.2019 filed writ petition bearing No.3982-P/2018 for placing his case for promotion before DPC which was accepted vide order dated 11.12.2018 upon direction of High Court, case of the appellant was placed before DPC on 15.05.2019 which was rejected and appellant was not consider for promotion on the ground all employees of PFI were on deputation to Khyber Pakhutnkhwa Province under Section 10 of Civil servant Act, 1973. The appellant/official retired on 17.01.2019 on superannuation whereas service rules of PFI were notified on 16.04.2019 and these rules are not applicable to employees who retired before notification of the service rules of PFI.


7. It is admitted position that respondent/department devolved upon the province of Khyber Pakhtunkhwa, in the year 2011, but on account of none framing of service rules by the Province, the appellant case for promotion was not considered. However, it is admitted fact that before framing of Provincial

Rules, the services of the appellant was governed by the previous rules framed by the Federal Government. Under such circumstance, when the right of promotion has accrued to the appellant, when he was in service and that time, the rules framed by the Federal Government were in field. He applied for his promotion in terms of the rules applicable to him at that time, but with no response, despite directions of the High Court and stood retired from service on 17.01.2019.

8. The record reveals that appellant had already attained the status of a permanent employee, absorbed employee, on account of implication of law before order of Worthy Peshawar High Court, Peshawar dated 11.12.2018 and the Rules in vogue at the occasion of judgment of Worthy Peshawar High Court, Peshawar but the Departmental Promotion Committee did not consider the appellant's case in view of the same rules, which were the proper rules on the subject. Therefore, the appeal in hand is accepted by setting aside the impugned decision of the Departmental Promotion Committee (DPC) dated 27.05.2019 and remand the case to the DPC with direction to consider the case of notional promotion of the appellant under rules in vogue at the occasion before his retirement accordingly. Costs shall follow the event. Consign.


9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 2nd day of February, 2024.*



(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

14.12.2023 1. Clerk of counsel for the appellant present. Mr. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Lawyers are on general strike, therefore, case is adjourned. To come for arguments on 02.02.2024 before D.B. P.P given to the parties. Shakil


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)


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*KaleemUllah


ORDER

02.02.2024 1 Learned counsel for the appellant present. Mr. Mohammad Jan learned District Attorney for the respondents present..

2. Vide our detailed judgement of today placed on file, by setting aside the impugned decision of the Departmental Promotion Committee (DPC) dated 27.05.2019 and remand the case to the DPC with direction to consider the case of notional promotion of the appellant under rules in vogue at the occasion before his retirement accordingly. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 2nd day of February, 2024.*


(Muhammad Akbar Khan)
Member (E)

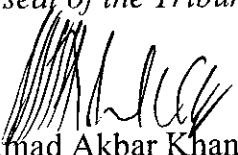

(Rashida Bano)
Member (J)


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Peshawar

29.11.2023 1. Learned counsel for the petitioner present. Mr. Mohammad Jan learned Deputy District Attorney for the respondent respondents present:

2. Learned counsel the petitioner argued that the appeal in hand was adjourned sine die on 30.08.2023 due to the pendency of CPLA before the Hon'ble Supreme Court of Pakistan in which some question of law was involved. As the CPLA was dismissed by the Hon'ble Supreme Court of Pakistan vide order dated 25.10.2023, therefore, he seeks restoration of the instant service appeal. Learned District Attorney raised no objection upon acceptance of the instant application seeking restoration of main appeal. Considering contention of learned counsel for the petitioner and in the interest of justice, instant service appeal is restored. To come up for arguments on ~~19.11.2023~~ before D.B. P.P given to the parties. Notices be issued to the respondents for the date fixed.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 29th day of November, 2023.*



(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

FORM OF ORDER SHEET

Court of _____

Restoration Application No. 825/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.11.2023	<p>The application for restoration of Appeal no. 946/2019 submitted today by Mr. Saifullah Khalil Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>29-11-2023</u>. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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Peshawar


ORDER


30th Aug. 2023

Kalim Arshad Khan, Chairman: Learned counsel for appellant and Mr. Muhammad Jan, District Attorney for respondents present.

2. Learned counsel for the appellant and learned District Attorney, both say that against the same impugned order one Lakhkar Khan has filed writ petition before the Hon'ble Peshawar High Court which was allowed and the Government had filed CPLA before the august Supreme Court of Pakistan, in which the august Supreme Court had granted leave on 18.05.2021, suspending the operation of the impugned judgment. The learned counsel for appellant and learned District Attorney both say that the decision of the appeal before the august Supreme Court of Pakistan, in either way, may have effect on the decision of this appeal, therefore, they request that this appeal may be adjourned sine die. On the joint request of the learned counsel for the appellant and learned District Attorney, it is accordingly adjourned sine die. Any of parties may, however, get it restored and decided after decision in the august Supreme Court of Pakistan in the appeal of Government of Khyber Pakhtunkhwa. Consign.

3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 30th day of August, 2023.*


(Safah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

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30.05.2023

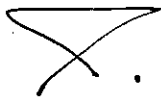
Learned counsel for the appellant present. Mr. Muhammad Naseem, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

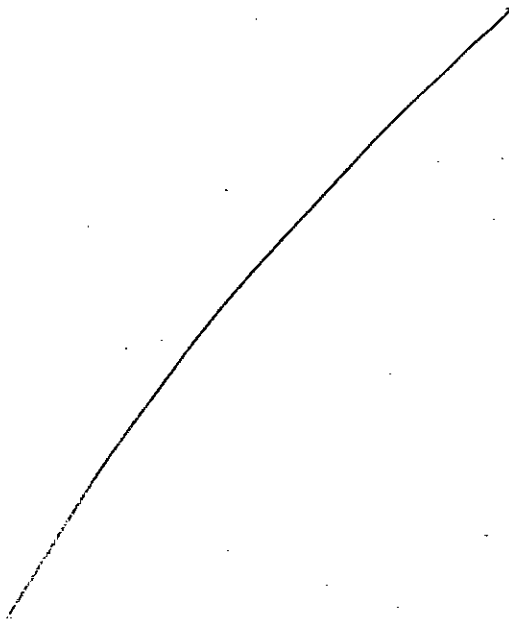
Learned counsel for the appellant seeks time for preparation of arguments. Adjourned. To come up for arguments on 30.08.2023 before the D.B. Parcha Peshi given to the parties.

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Naeem Amin


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)





01.03.2023

Nemo for the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

Lawyers are on strike. To come up for arguments on 14.03.2023 before the D.B. Parcha Peshi given to the parties.

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Peshawar


(Fareeha Paul)
Member (E)

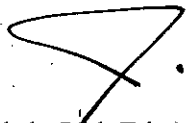

(Salah-ud-Din)
Member (J)


14.03.2023

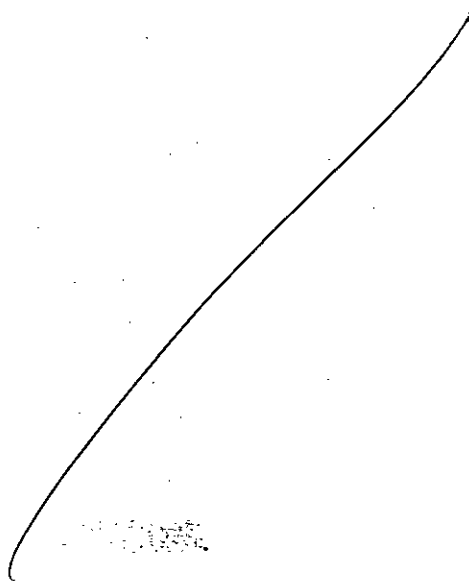
Learned counsel for the appellant present. Mr. Syed Asif Ali Shah, Deputy District Attorney alongwith Farhan Ahmad, Superintendent for respondents present.

Learned counsel for the appellant request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on ~~30.05~~ 2023 before D.B. P.P given to the parties.

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Peshawar


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman



The first thing I noticed
was the smell of the sea.

The waves were crashing
against the rocks.

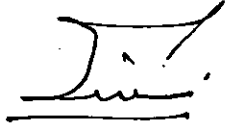
31.03.2022

Appellant alongwith his counsel present. Mr. Farhan Ahmed, Superintendent alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 09.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

09th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court. Allowed. To come up for arguments on 08.07.2022 before the D.B.



(Fareeha Paul)
Member(E)



Chairman

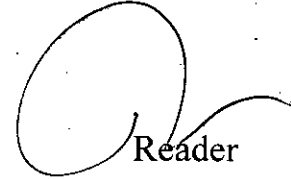
8-7-2022

Due to Holidays of Eid-ul-Azha the case is adjourned to 25-10-2022

Reader

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 26.07.2021 for the same as before.


Reader

26.07.2021


Nemo for appellant.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Appellant/counsel be put on notice for 14.12.2021 for hearing before D.B.


(Rozina Rehman)
Member (J)


Chairman

14-12-21 

DB is on Tax case to come up
For the same on Dated. 31-3-22


Reader

30.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.


Reader

06.08.2020


Due to summer vacation case to come up for the same on 26.10.2020 before D.B.


Reader

26.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 31.12.2020 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

31.12.2020

Due to summer vacation, case is adjourned to 12.04.2021 for the same as before.


Reader

08.01.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and procure written reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

18.02.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last chance is given to the respondents to furnish written reply/comments. Adjourned to 12.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Farhan Ahmad, Superintendent for the respondents present. Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3. The same is placed on record. To come up for rejoinder, if any, and arguments on 29.04.2020 before D.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.09.2019

Counsel for the appellant present.

Contends that the appellant while in BPS-16, was required to look-after the post of Superintendent BPS-17 in Pakistan Forest Institute, Peshawar through order dated 06.04.2017. The availability of post and eligibility of appellant to the post in BPS-17 stood established through the said order. However, in the PSB meeting dated 27.05.2019 the appellant was not recommended for promotion on the ground* that the Service Rules of PFI were notified on 16.04.2019 while the appellant had retired on 17.01.2019 on superannuation, therefore, the rules ~~are~~^{were} not applicable to his case. His departmental appeal was not allowed through order dated 01.07.2019.

In view of arguments of learned counsel and the available record, instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Appellant Deposited
Security & Process Fee

25/9/19



Chairman

26.11.2019

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Atta Ur Rehman, Administrative Officer for respondents present.

Written reply/comments on behalf of the respondents not submitted. Learned District Attorney seeks time to submit the same.

Adjourned to 08.01.2020 before S.B.

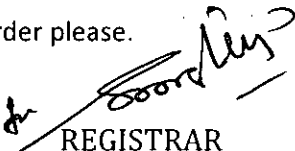



Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2019	<p>The appeal of Mr. Akhtar Hussain resubmitted today by Mr. Saifullah Khalil Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-9-2019</u></p> <p> CHAIRMAN</p>


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The appeal of Akhtar Hussain s/o Abdul Khaliq Ex-Look After Superintendent at Pakistan Forest Institute Peshawar received to-day i.e. on 16-07-2019 is incomplete on the following score, which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of appeal may be properly flagged.
- 2- Copy of promotion order (Annex-I) mentioned in para-1 of the grounds of appeal is not attached which may be placed on it.
- 3- Memorandum of appeal should be signed by counsel.
- 4- Affidavt should be attested by Oath Commissioner.
- 5- Copy of Final Seniority List dated 03-07-2018 mentioned in para-2 of the Facts of appeal is not attached which may be placed on it.

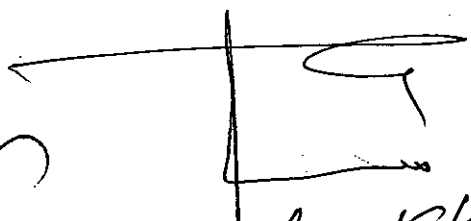
No. 1226 /S.T.

Dt. 18-7-2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saif Ullah Khalil.
Adv, Peshawar.

Sir, The file is corrected &
re-submitted again please.


Saif Ullah Khalil.

BEFORE THE SERVICES TRIBUNAL PESHAWAR **CANNED**
KPST
Peshawar

Service Appeal No _____./2019

Akhtar Hussain
VERSU
Govt .KPK . and others

INDEX

S.No	Description	Annexure	Pages
1.	Service Appeal		1-4
2	Affidavit <i>& Address of the Parties.</i>		5-6
3	Copy of office order dated 25/01/2011 (annexure A.)	A	7
4	Copy of office order dated 28 /09/2016 (annexure B)	B	8
5	Copy of office order dated 13/10/2016 is annexure C	C	9
6	Copy of office order dated 6/4/2017 (annexure D) and	D	10
7	Copy of Writ Petition and order is Annexure as E, E1 and applications	E, E1 F	11-18 19-20
8	Copy of the orders dated 15/5/19 and 01/07/19 are annexure G,H	G,H	21-25 26-28
9	Copies are annexure I.		26-28
10	Wakalt nama		29

Date 11/7/2019

A. Ullah
Appellant

Through

SAIF ULLAH KHALIL
SAIF ULLAH KHALIL (senior)
Advocate, High Court Peshawar
Cell No. 0313 5941431
Off: Zabeel Palece G.T Road
Peshawar

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BEFORE THE SERVICES TRIBUNAL PESHAWAR

Service Appeal No: 946 2019

Khyber Pakhtukhwa
Service Tribunal

Diary No. 992

Dated 16-7-19

1. Akhtar Hussain s/o Abdul Khaliq Khan R/O Regi Aftizai,
Peshawar Ex-Look After Superintendent at Pakistan Forest
Institute Peshawar.

Appellant

VERSUS

1. Government of K.P.K through Secretary Environment Peshawar.
2. Secretary to Govt of K.P,K Establishment Department Civil
Secretariat Peshawar
3. Director General Pakistan Forests institute Peshawar.

Respondents

Filed to-
Registrar
16/7/19

APPEAL UNDER SECTION 22 OF SERVICE TRIBUNAL ACT AGAINST
THE ORIGINAL ORDER DATED 30/05/2019 VIDE WHICH THE
APPELLANT HAS NOT BEEN CONSIDERED FOR PROMOTION TO B.P.S
17 BY THE RESPONDENTS AND AGAINST THE JUDGMENT /ORDER
DATED 01/07/2019 OF THE APPELLATE AUTHORITY VIDE WHICH
THE APPEAL OF THE APPELLANT HAS BEEN DISMISSED.

PRAYER

ON ACCEPTANCE OF THIS SERVICE APPEAL BOTH THE IMPUGENED
ORDERS MENTIONED ABOVE MAY VERY KINDLY BE SET ASIDE AND
THE APPELLANT MAY VERY KINDLY BE ORDERD TO BE PROMOTED
TO THE POST OF SUPERINTENDENT BPS 17 FROM JAN, 2015 ALONG
WITH ALL BACK BENEFITS TILL 19/01/2019.(DATE OF HIS
RETIREMENT)

Respectfully Sheweth:

The Appellant submits as under: -

1. That the Appellant joined the Department of the Respondents as Lower
Division Clerk on 15/09/1998 and thereafter the appellant was promoted
from time to time and on 25/01/2001 the appellant was promoted on the

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post of Assistant on BPS 14. (Copy of office order dated 25/01/2011 as Annexure A.)

2. That vide office order date 28/09/2016 the appellant was upgrade from BPS-14 to BPS-16.(Copy of office order dated 28/09/2016 is annexure B)
3. That vide office order date 13/10/2016 pay of the appellant was fixed in BPS-16.(Copy of office order dated 13/10/2016 is annexure C)
4. That there after vide office order dated 6/4/2017 the appellant was given Look after charge of the post of superintendent BPS-17 and since the appellant Was serving on the said post and performing the duties of superintendent on BPS-17 but draw the pay of BPS-16. (Copy of office order dated 6/4/2017 is annexure D)
5. That before on his retirement on 17/1/2019 the appellant filed a Writ Petition no 3982-P/2018 against the Respondents to place his case for promotion before the DPC, which was accepted by the Honourable High Court Peshawar vide order dated 11/12/18.(Copy of Writ Petition and order is Annexure as E,E1 Respectively.
6. That two posts of superintendent BPS- 17 were Lying vacant with the Respondents since 2014 and the appellant was eligible to be promoted to the said post after performing 5 years' service on BPS -16 as such the appellant, was entitled to be promoted on the said post in the year 2015 but the Respondents Delayed the matter on one or the other pretext.
7. That in this respect the appellant filed a numbers of applications to the Respondents but in vain(Copy of office order dated 6/4/2017 is annexure F)
8. That on the Direction of the High Court case of the appellant was put before the DPC who rejected the same vide order dated 15/5/19 against which the appellant filed a departmental appeal on 30/05/19 which was dismissed vide order dated 01/07/19. Copy of the orders dated 15/5/19 and 01/07/19 are annexure G,H)
9. That having no other alternate remedy the Appellant impugns both the judgments/ Orders before this Honourable Court on the following grounds inter alia:

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GRUNDS

- A. That the act of the Respondents by not promoting the appellant to BPS-17 and their refusal is against the Law and Rules hence untenable.
- B. That the appellant has a vested right to be promoted to the post of BPS-17 from the year 2015 as the appellant is the post senior in the seniority List for the said promotion.
- C. That the appellant is already performing duties at Look after duty on the post of superintendent BPS-17 and has also fulfilled the entire criteria for promotion as such entitled to be promoted to the said post.
- D. That the Respondents are bound to act in accordance with Law and Rules and cannot refuse the rights of the appellant guaranteed by the Law and Rules.
- E. That if the appellant is not promoted to the said post the appellant will suffer irreparable Loss as the said post is laying vacant since 2014.
- F. That the appellant has already retired from service on 17/01/19 as such he is entitled for promotion since 2015 till the date of retirement along with all back benefits.
- G. That Framing of Rules was the responsibility of the Respondents on this practice the appellant cannot be deprived from his vested of promotion.
- H. That even if the entire department of the appellant was on deputation to the provincial Govt which is there after absorbed by it promotion to the appellant cannot be refused keeping in waive the rule of estoppel and principle of Locus ponetentia.
- I. That during the absorption period the Respondents have promoted their employees. (Copies are annexure I.)
- J. That any other points/ Grounds would be raised at the time of arguments with the prior permission of this Honourable Court.


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It, is there for most humbly prayed that on acceptance of this service appeal both the impugned orders mentioned above may very kindly be set aside and the appellant may very kindly be orderd to be promoted to the post of superintendent bps- 17 from jan,2015 along with all back benefits.

Date: 11 /07/2019


appellant

Through


Saif Ullah Khalil (Senior)
Advocate, High Court Peshawar

CERTIFICATE:

Certified that no such like service appeal has earlier been filed before this Honourable Court for the same petitioners.


Advocate

LIST OF BOOKS:

1. Book of Services Law
2. Any other Book as per Need.

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BEFORE THE SERVICES TRIBUNAL PESHAWAR

AKHTAR HUSSAIN

VERSUS

GOVT OF K.PK

AFFIDAVIT

I, Akhtar Hussain s/o Abdul Khaliq Khan R/O Regi Aftizai, Peshawar Look After Superintendent at Pakistan Forest Institute Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying Writ petition are true and correct to the best of my knowledge and belief and nothing have been concealed from this Honourable Court.

A. Hussain

Deponent

Identified by:



Saif Ullah Khalil
Advocate, High Court Peshawar

ATTESTED
M. Ijaz Khan Khalil
Advocate
Peshawar
23/11/18

BEFORE THE SERVICES TRIBUNAL PESHAWAR

AKHTAR HUSSAIN
VERSUS
GOVT OF K.PK

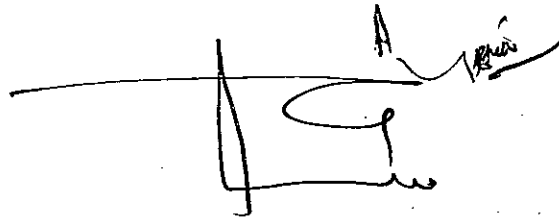
ADDRESS OF THE PARTIES

1. Akhtar Hussain s/o Abdul Khaliq Khan R/O Regi Aftizai,
Peshawar Look After Superintendent at Pakistan Forest
Institute Peshawar.

Appellant

1. Government of K.P.K through Secretary Environment Peshawar.
2. Secretary to Govt of K.P,K Establishment Department Civil
Secretariat Peshawar
3. Director General Pakistan Forests institute Peshawar.

Respondents



SAIF ULLAH KHALIL (SENIOR)
Advocate, High Court Peshawar

"7"

ANX - A



Government of Pakistan
Ministry of Environment
Pakistan Forest Institute, Peshawar



Ph: +92 91 9216123, Fax: +92 91 9216203

No.

25

Dated 25-1-2011

OFFICE ORDER

On the recommendation of Departmental Promotion Committee in its meeting held on 18-01-2011, the following Accountants (BS-09) are, hereby, promoted to the post of Assistant (BS-14), at Pakistan Forest Institute, Peshawar with immediate effect. They are placed on probation, as prescribed.

- | S.No | Name & Designation |
|------|----------------------------------------|
| 1. | Mr. Fazli Subhan, Accountant (BS-09) |
| ✓2. | Mr. Akhtar Hussain, Accountant (BS-09) |


Director General
Pakistan Forest Institute

No.

164

/F. V (17)-Estt

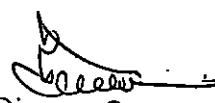
dated

25-1-

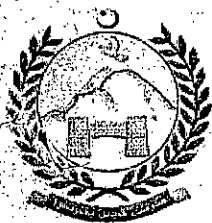
2011

A copy is forwarded to:-

1. Director, Forestry Research Division, PFI, Peshawar.
2. Director, Forest Product Research Division, PFI, Peshawar.
3. The Administrative Officer (B&A) Pakistan Forest Institute, Peshawar.
- ✓4. The above named officials.


Director General
Pakistan Forest Institute





8
ANX - B
GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9216123, 9216995, Fax: +92 91 9216203



Dated 28th September, 2016

OFFICE ORDER

No. 225 /F.VI(237)-Estt. In pursuance of Government of Pakistan, Cabinet Secretariat, Establishment Division's office memorandum No.1/13/96-R-6, dated 10th August, 2016, the competent authority has been pleased to order the upgradation of following incumbents working against the post of Assistant w.e.f. 01-07-2016:

S.No.	Name of the Employees	Designation	Existing Scale	Upgraded Scale
1.	Mr. Lakhkar Khan	Assistant	BS-14	BS-16
2.	Mr. Farhan Ahmad	Assistant	BS-14	BS-16
3.	Mr. Akhtar Hussain	Assistant	BS-14	BS-16

Director General

No. 1459 /F.VI (237) - Estt.

Dated 28th September 2016

A copy is forwarded to:

1. All Directors / Coordinator Sericulture, PFI, Peshawar.
2. The Administrative Officer (B&A) PFI, Peshawar.
3. Concerned officers.

Director General
Ator

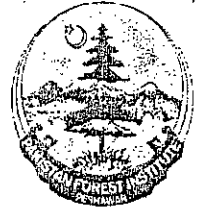
Ator



9
ANX - C
70906

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9216123, Fax: +92 91 9216203



Dated 13 / 10 / 2016

OFFICE ORDER

No. 232 /F.VI(45)-Estt. Consequent upon, the up-gradation of the post of Assistant from BPS-14 to BPS-16 vide this office order No. 225, dated 28-09-2016, the pay of the following officers are hereby fixed in the upgraded pay scale of the post of Assistant (BPS-16), w.e.f. 01-07-2016 as under:

Sr. No.	Name & Designation of official	Pay in the existing pay scale on 01-07-2016	Pay fixed in the upgraded BPS after allowing one pre-mature increment on 01-07-2016
		BPS-14 (12,720-980-42,120)	BPS-16 (15,880-1280-54,280)
1.	Mr. Lakhkar Khan, Assistant	Rs. 33,300/-	Rs. 35,080/-
2.	Mr. Farhan Ahmed, Assistant	Rs. 18,600/-	Rs. 21,000/-
3.	Mr. Akhtar Hussain, Assistant	Rs. 33,300/-	Rs. 35,080/-

Any over payment if detected as wrong fixation of pay by the Audit Office will be recovered.

Director General

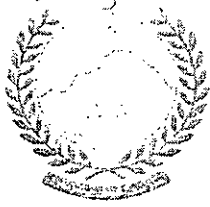
No. 1824 /F.VI (45)-Estt.

Dated 13 / 10 / 2016

A copy is forwarded to:

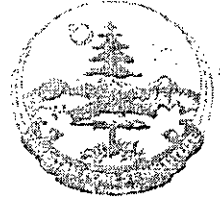
1. The Director (Budget & Accounts), Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Administrative Officer (B&A), PFI, Peshawar.
3. The officers concerned, PFI, Peshawar.

Director General



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9216123, 9216995, Fax +92 91 9216203



(SAY NO TO CORRUPTION)

Dated 6 / 4 / 2017

OFFICE ORDER

No. 44 /F.VI(02)-Estt: Mr. Akhtar Hussain, Assistant (BS-16), Pakistan Forest Institute (PFI), Peshawar, is hereby assigned ~~the~~ lookafter duties of the post of Superintendent (BS-17) and his services are ~~transferred~~ from Forestry Research Division to Forest Education Division with immediate effect in public interest and until further orders.

Director General

No. 443 /F.VI(02)-Estt

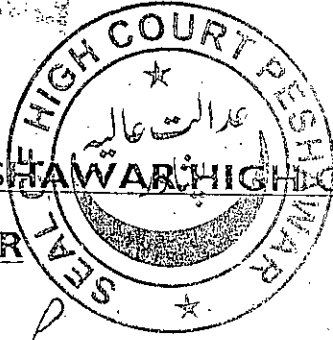
dated 6 / 4 / 2017

A copy is forwarded to:

1. The Director, Forestry Research Division, PFI, Peshawar.
2. The Director Forest Education Division, PFI, Peshawar.
3. The Administrative Officer (B&A), PFI, Peshawar.
4. Concerned Officer.

Director General

Asst
HS



BEFORE THE HONOURABLE PESHAWAR HIGH COURT
PESHAWAR

W.P. No. 39877/2018

Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar at
Look after superintendent at Pakistan Forest Institute, Peshawar.

... PETITIONER

VERSUS

1. Government of KPK through Secretary Environment, Peshawar.
2. Secretary to Govt of KPK establishment department Civil Secretariat Peshawar.
3. Director General Pakistan Forests Institute, Peshawar.

... RESPONDENTS

FILED TODAY
Deputy Registrar
06 AUG 2018

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

PRAYER IN WRIT: -

On acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17/01/2019 while the post of superintendent is vacant since Feb 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed

WP3987-2018- Akhtar

ATTESTED

RESPECTFULLY SHEWETH,

The petitioner humbly submit as under: -

1. That the petitioner joined the department of the respondents as Lower Division Clerk on 15/09/1998 and thereafter the petitioner was promoted from time to time and on 25/01/2001 the petitioner was promoted to the post of Assistant BS-14. (Copy of office order dated 25/01/2001 is annexure A).
2. That vide office order dated 28/09/2016 the petitioner was upgraded From BPS-14 to BPS-16 w.e.f 01/07/2016. (Copy of order dated 28/09/2016 is annexure B).
3. That vide order dated 13/10/2016 pay of the petitioner was fixed in BPS-16. (Copy of order dated 13/10/2016 is annexure C).
4. That thereafter vide office order dated 06/04/2017 the petitioner was given Look after charge of the post of superintendent BS-17 and since then the petitioner is serving on the said post performing the duty of superintendent in BS-17 but draws the pay of BS-16. (Copy of order dated 06/04/2017 is annexure D).
5. That the petitioner is going to retire from his service on 17/01/2019 and in this respect office order dated 02/08/2017 has already been issued by the respondents. (Copy of order dated 02/08/2017 is annexure E).

FILED

District Registrar

06 AUG 2018

ATTESTED

D. KAMBER
Deputy Registrar
Peshawar High Court

WP3987 2018 ANK. H. H. S. S. Govt Kp. F. U.

12 DEC 2018

6. That two posts of superintendent BS-17 are lying vacant with the respondents since 2014 and the petitioner is eligible to be promoted to the said post after performing 5 years service in BS-16 as such the petitioner is entitled to be promoted to the said post in the year 2015, but the respondent delayed the matter on one or the other pretext.
7. That in this respect the petitioner filed a number of applications to the respondents but in vain. (Copy of applications are annexure F).
8. That having no other alternate remedy available the petitioner now approaches this Honourable court in constitutional jurisdiction on the following grounds inter alia:

Grounds: -

- A. That the act of the respondent by not promoting the petitioner to BPS-17 and their refusal is against the law and rules, hence untenable.
- B. That the petitioner has a vested right to be promoted to the post of BS-17 from the Year 2015 as the petitioner is the most senior in the sonority list and legally fit for the said promotion.
- C. That the petitioner is already performing duties as look after duty on the post of Superintendent BS-17 and has also fulfilled the entire criteria for promotion as such entitled to be promoted to the said post.

FILED

06 AUG 2018

06 AUG 2018

ATTESTED

EXAMINER

WP3987-2013-Abdul Hussain VS Govt Kp Full

12 DEC 2013

D. That the respondents are bound to act in accordance with law and rules and cannot refuse the rights of the petitioner guaranteed by the law and rules.

E. That if the petitioner is not promoted to the said post the petitioner will suffer irreparable loss as the said post is lying vacant since 2014.

F. That the petitioner is going to retire on 17/01/2019, but he is still deprived of his promotion on account of inaction of the respondents.

G. That previously writ petition no. 248-p/2017 titled "Lakhar Khan VS Govt of KPK and others " has already been disposed off by this Honourable Court vide order dated 25/01/2017. (Copy of writ petition no. 248-P/2017 and order dated 25/01/2017 are annexure G).

H. That if during the pendency of this writ petition the petitioner is retired from service the petitioner shall be entitled for proforma promotion along with all back benefits.

I. That other points / grounds would be raised at the time of arguments with the prior permission of this Honourable Court.

Interim relief: -

By way of interim relief it is prayed that the respondents may kindly be directed to expedite the matter and place case of the petitioner for promotion before the DPC prior to the decision of this writ petition.

FILED TODAY
Deputy Registrar
06 AUG 2018

ATTESTED
EXAMINER
Public Service Commission
12 DEC 2018

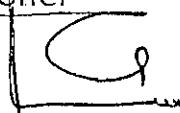
Prayer: -

It is, therefore, most humbly prayed that on acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17/01/2019 while the post of superintendent is vacant since Feb 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed

Any other relief which this Honourable Court deem proper and fit may also be granted in favour of the petitioners and against the respondents.

Dated: 04/08/2018

FILED TODAY
Deputy Registrar
06 AUG 2018

Petitioner
Through 
SAIF ULLAH KHALIL (SENIOR)
Advocate, High Court Peshawar

CERTIFICATE:-

Certified that no such like writ petition has earlier been filed before this Honourable Court for the same petitioner.


Advocate

LIST OF BOOKS: -

1. Constitution of Islamic Republic of Pakistan 1973.
2. Any other book as per need.

ATTESTED 
EXAMINER Advocate
Peshawar High Court

BEFORE THE HONOURABLE PESHAWAR HIGH COURT

PESHAWAR

W.P No. 3987 P /2018

Akhtar Hussain
Versus
Govt. Of KPK etc

AFFIDAVIT

I, Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar at Look after superintendent at Pakistan Forest Institute, Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the instant writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

[Signature]
DEPONENT

Identified by:

[Signature]

Saif Ullah Khalil (Senior),
Advocate, High Court Peshawar

No:..... <u>4844</u> Certified that the above was verified on solemnly affirmation before me in office, this <u>4th</u> day of <u>AUG</u> 20 <u>18</u> by <u>Akhtar Hussain</u> s/o <u>Abdul Khaliq</u> who was identified by <u>Saif Ullah Khalil</u> who is personally known to me: <i>[Signature]</i> Commissioner Peshawar High Court, Peshawar

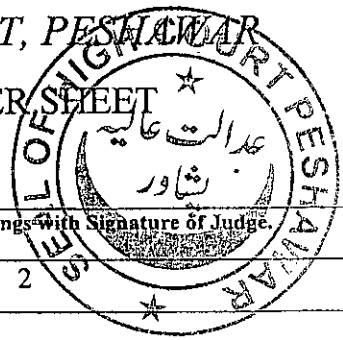
FILED TODAY
Deputy Registrar
06 AUG 2018

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984
12 DEC 2018

17

ANX "E 1"

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET



Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
11.12.2018	<p><u>W.P.No.3987-P/2018</u></p> <p>Present: Mr. Saif Ullah Khalil (Senior), Advocate for petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG for the respondents.</p> <p><u>IKRAMULLAH KHAN, J:-</u> Through the instant writ petition,, under Article 199 of the Constitution of Islamic Republic of Pakistan, the petitioner has prayed for the following relief:-</p> <p>It is, therefore, most humbly prayed that on acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of Superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17.01.2019 while the post of Superintendent is vacant since February, 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed.</p> <p>Any other relief which this Hon'ble Court deem proper and fit may also be granted in favour of the petitioner and against the respondents.</p>

ATTESTED
EXAMINER
Peshawar High Court
42 DEC 2018

Learned counsel for the petitioner stated at the bar that petitioner is going to be retired in January, 2019 while his case is matured for due promotion but the DPC has not been scheduled according to law. Keeping in view the peculiar facts and circumstances of the case when the petitioner is going to be retired soon so propriety and justice demand that his case be placed for promotion before the Departmental Promotion Committee, if he otherwise deserved to be promoted.

The writ petition is disposed of accordingly.

JUDGE

JUDGE

18138
 No.
 Date of Presentation of Application
 No of Pages
 Copying Fee
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 Total
 Date of Preparation of Copy
 Date of Delivery of Copy
 Received By

CERTIFIED TO BE TRUE COPY
 EXAMINER
 Peshawar High Court, Peshawar
 Authorised Under Article 177 of
 The Qanun-e-Shahadat Order 1984
 12 DEC 2018

بخدمت جناب ڈائریکٹر جنرل صاحب پی ایف آئی پشاور

عنوان: اپیل بر خلاف، بر خلاف فیصلہ مورخہ 19-05-2019 جسکی روح سے سائل کو پر موشن بروئے
حکم عدالت عالیہ پشاور مورخہ 11-12-2018 نہیں دی گئی
جناب عالی:

مودبانہ گزارش ہے کہ فدوی کو عدالتی فیصلے کے مطابق سپرٹنڈنٹ کی پوسٹ پر پر موشن نہیں دی گئی۔
سپرٹنڈنٹ کی پوسٹ پر انے اور نئے رولز میں 100 فیصد پر موشن کوٹے پر ہے۔ لہذا آپ سے گزارش ہے مہربانی کر کے
فدوی کے کیس پر نظر ثانی کر کے مجھے قانون کے مطابق پر موشن دی جائے۔

شکریہ

30/5/19
اختر حسین خلیل

اسٹنٹ (سابقہ)
پی ایف آئی پشاور
مورخہ:

No more
applications on
this subject.

25/6/19

28/6/19
AA

بخدمت جناب ڈائریکٹر جنرل صاحب، پاکستان فارسٹ انسٹی ٹیوٹ، پشاور

بوساطت: ڈائریکٹر، فارسٹری ریسرچ ڈویژن

عنوان: Promotion (درخواست برادرتی)

جناب عالی!

گزارش ہے کہ مورخہ 27-2-2017 کو سپرنٹنڈنٹ (بی پی ایس-17) کی آسامی خالی ہونے کے بعد فدوی مورخہ 2-6-2017 سے سپرنٹنڈنٹ (بی پی ایس-17) کی آسامی پر عارضی طور پر ڈیوٹی سرانجام دے رہا ہے۔ پی ایف آئی رولز کے مطابق فدوی سپرنٹنڈنٹ (بی پی ایس-17) کی آسامی پر ترقی کے لئے Eligible ہے۔

آپ سے ہمدردانہ التماس کی جاتی ہے کہ مذکورہ آسامی کے خالی ہونے کی تاریخ سے فدوی کارگیولر ترقی کا آرڈر جاری کرنے کے احکامات صادر فرما کر مشکور فرمادیں۔

العارض

26/4/2018
اختر حسین خلیل

Forwarded to DG (PFI) for
Sympathetic Consideration

اسٹنٹ سپرنٹنڈنٹ

26/4/18
DPR

DDT

30/04/18

جناب ڈائریکٹر جنرل صاحب پاکستان فارسٹ انسٹی ٹیوٹ پشاور

بواسطت: ڈائریکٹر فارسٹری ریسرچ ڈویژن

عنوان: درخواست برائے کرنٹ چارج

جناب عالی!

مودبانہ گزارش ہے کہ فدوی اسٹنٹ (BS-14) کی کیڈر میں سب سے سنیئر موسٹ ہے۔ اور حال ہی میں سپرنٹنڈنٹ کی پوسٹ خالی ہو چکی ہے۔ برائے مہربانی فدوی کو فی الحال سپرنٹنڈنٹ کے پوسٹ پر کرنٹ چارج کی تعیناتی فرما کر مشکور فرماویں۔ فدوی تاحیات دعا گورہے گا۔

العارض

A
4.5.2016
اختر حسین

اسٹنٹ

فارسٹری ریسرچ ڈویژن

Forwarded for Sympathetic
Consideration

مورخہ: 4.5.2016

S.P.F.I

DFRD
10/5/16

20

20

Dt: 15/5/19

ANX - 9

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE

A meeting of the Departmental Promotion Committee was held on 27th May, 2019 at 1100 hours, chaired by the Special Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa on behalf of Secretary, FE&W to discuss and consider the promotion cases in respect of the officers/officials of Forest Department, Wildlife Department, Environmental Protection Agency and Pakistan Forest Institute, Peshawar. The following attended:-

- (i) Mr. Zarif-Ul Maani, Special Secretary, Forestry, Environment & Wildlife Deptt: In chair
- (ii) Mr. Niaz Ali Khan, Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar. Member
- (iii) Sheikh Amjad Ali, Director General, Pakistan Forest Institute, Peshawar. Member
- (iv) Muhammad Niaz, Deputy Conservator Wildlife, Head Office, Peshawar Member
- (v) Dr. Muhammad Bashir Khan, Director General, Environmental Protection Agency, Khyber Pakhtunkhwa. Member
- (vi) Mr. Abdullah, Deputy Secretary-I, Forestry Environment & Wildlife Deptt: Member/Secretary
- (vii) Mr. Barkat Khan, Section Officer (SR.I), Finance Department. Member
- (viii) Mr. Khalil-Ur-Rehman, Section Officer (Reg-III) Establishment Department. Member

2) The Departmental Promotion Committee examined/scrutinized all the documents required for promotion as per the relevant rules/policy and took decisions as reflected hereunder against each case:-

(I) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BPS-17) ON REGULAR BASIS IN FORESTS DEPARTMENT

The Departmental Promotion Committee was informed that there are total nine (09) sanctioned posts of Superintendents (BPS-17) in Forest Department, Khyber Pakhtunkhwa. At present, only Five (05) Superintendents are working in the Department while Four (04) posts are lying vacant due to retirement of Mr. Abdur Rashid, Sahib Zada, Sardar Khan and Muhammad Zubair, Superintendents (BS-17) w.e.f. 03rd June, 2018, 10th February, 2019, 04th January, 2019 and 24th April, 2019 respectively.

According to the existing service rules, the method of recruitment to the post of Superintendent is 100% by promotion. The official at Serial No: 01 has opted to forgo his promotion forever. The committee considered the senior most Assistants (BS-16) for promotion to the post of Superintendents (BPS-17) in Forest Department, Khyber Pakhtunkhwa and took decisions as under:-

S.#	Name of officials	Recommendation of DPC
1	Muhammad Daud, Assistant (BS-16)	The official has opted to forgo his promotion forever. The Committee accepted his option under rule-7(5) of the APT Rules, 1989. The committee was further informed that the said official previously deferred by the DPC in its meeting held on 8.8.2017 and 02.10.2018. Decision: The Committee deferred him for promotion to the post of Superintendent (BPS-17) for a period of four years.

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S.#	Name of officials	Recommendation of DPC
1	Muhammad Ajmal, Ropeway Operator (BS-12)	His date of birth is 13-10-1962. He joined the Govt: service on 25-02-1984 as Ropeway Operator. He has completed seven years length of service. His service record is generally good. His ACR's were found satisfactory. No inquiry is pending against him, nor any penalty awarded to him. Decision: The Committee cleared him for promotion to the post of Technical Assistant (BPS-16) on regular basis. The official will remain on probation for a period of one year as per the rules.

(XVIII) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDANT (BPS-17) ON REGULAR/NOTIONAL BASIS IN PFI, PESHAWAR

The Departmental Promotion Committee (DPC) was informed that Mr. Lakhkar Khan, ex-Assistant and Mr. Akhtar Hussain, ex-Assistant filed writ petition No. 248/2017 & 3987/2018 in the Hon'ble Peshawar High Court, Peshawar, with the prayer that they may be promoted against the available vacant post of Superintendent (BPS-17). The Hon'ble PHC in its judgments dated 25-01-2017 and 12-12-2018 well before the petitioners retiring dates, directed the respondents to place the working papers of the petitioners before the first available Departmental Promotion Committee for consideration.

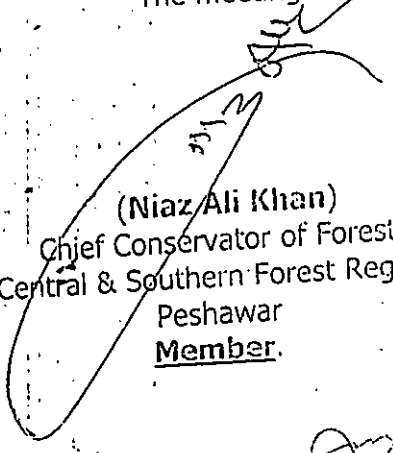
As per the Budget Book, there are total four (04) sanctioned posts of Superintendent (BPS-17) in Pakistan Forest Institute (PFI), Peshawar, against which only two (02) Superintendents were working at that time while two (02) posts were lying vacant due to retirement of Mr. Tehmas Khan, Superintendent w.e.f. 4th February, 2014 and Mr. Shamshad Khan, Superintendent w.e.f. 18th April, 2016.

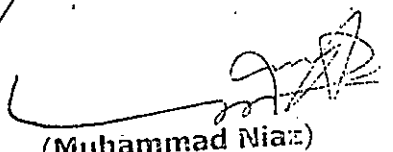
According to the existing service rules notified on 16th April, 2019, the method of recruitment to the post of Superintendent (BPS-17) is 100% by promotion among Office Assistant with at least five years length of service.

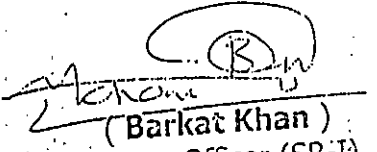
The committee examined and considered the case minutely and took decision as under:-

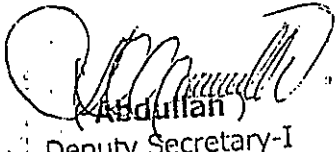
S.#	Name of officials	Recommendation of DPC
1	Mr. Lakhkar Khan, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 248-P/2017, dated 25/01/2017, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired from service as Federal Government employee on 21/12/2017 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who were retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.
2	Mr. Akhtar Hussain, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 3987-P/2018, dated 11/12/2018, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired on 17/01/2019 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.

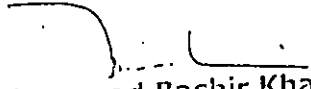
The meeting concluded with a note of thanks by the Chair.



(Niaz Ali Khan)
Chief Conservator of Forests,
Central & Southern Forest Region-I,
Peshawar
Member.

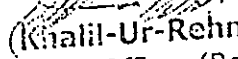

(Muhammad Niaz)
Deputy Conservator Wildlife,
Head Office, Peshawar
Member

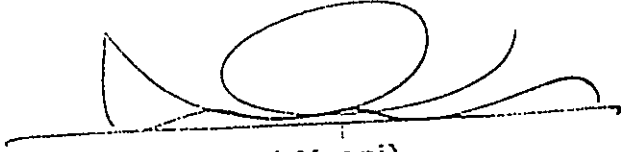

(Barkat Khan)
Section Officer (SR-I)
Finance Department
Member.


(Abdullah)
Deputy Secretary-I
Forestry Env't: & Wildlife
Department
Member/Secretary


(Dr. Muhammad Bashir Khan)
Director General,
Environmental Protection Agency,
Khyber Pakhtunkhwa,
Member


(Sheikh Amjad Ali)
Director General,
Pakistan Forest Institute,
Peshawar, Member


(Khalil-Ur-Rehman)
Section Officer (Reg-III)
Establishment Department.
Member.


(Zarif-Ul-Maani),
Special Secretary,
Forestry, Environment & Wildlife
Department,
Chairman



(24)

ANX - "H"

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR**
Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



(SAY NO TO CORRUPTION)

No. 935 /F.II(Per)-Estt

Dated 1 / 7 / 2019

To

Mr. Akhtar Hussain,
Ex-Assistant Pakistan Forest Institute,
Peshawar

Subject: **APPLICATION / APPEAL FOR PROMOTION TO THE POST OF
SUPERINTENDENT (BPS-17)**

I am directed to refer to your application / appeal dated nil and state that in compliance of Hon'ble Peshawar High Court (PHC), Peshawar order / judgment dated 11-12-2018 in writ petition No. 3987/-P/2018, your promotion case against the post of Superintendent (BPS-17) had been placed before Departmental Promotion Committee (DPC) on 27-05-2019. The committee considered your case and after thorough examination did not find you fit for promotion on the following grounds:

"All the employees of Pakistan Forest Institute (PFI), Peshawar including the petitioner / applicant, were on deputation to the Government of Khyber Pakhtunkhwa under Section-10 of the Civil Servant Act, 1973 and these rules are not applicable to employees who were retired before notification of the service rules of PFI"

A copy of the relevant portion of minutes of he DPC committee is sent herewith for information.

Administrative Officer (G)

Cc:

APS to Director General, PFI, Peshawar.

95

~~AKH~~ - "AKH"



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



(SAY NO TO CORRUPTION)

No. 1268/F.II(Per)-Estt

Dated 26/7/2018

To

✓ Mr. Akhtar Hussain,
Assistant (BPS-16),
Pakistan Forest Institute,
Peshawar

Subject: REQUEST FOR PROMOTION AGAINST THE POST OF SUPERINTENDENT
(BPS-17)

I am directed to refer to your application dated Nil, on the above cited subject and to inform you that due to devolution of Pakistan Forest Institute (PFI) from Federal to Provincial Government of Khyber Pakhtunkhwa w.e.f. 01-07-2019, all the appointment, promotion and transfer rules are dysfunctional to the extent of PFI, whereas fresh service rules of the Institute are under process. As and when these rules are passed by the competent authority, all the promotion cases including yours shall be processed accordingly.

[Signature]
Administrative Officer (G)
[Signature]

Cc:

APS to Director General, PFI, Peshawar

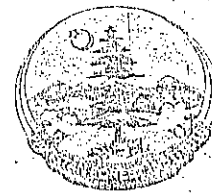
Adesh
[Signature]

26

248



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR
Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



(SAY NO TO CORRUPTION)

Dated 21/6/2017

OFFICE ORDER

No. 75 / F.VI (02)-Estt: The services of Mr. Akhtar Hussain, Assistant (BS-16), Pakistan Forest Institute (PFI), Peshawar, are hereby transferred from Forest Education Division to Forestry Research Division, PFI, Peshawar, with immediate effect in public interest. He shall also continue the look after charge of the post of Superintendant (BS-17) in Forestry Research Division, PFI, Peshawar.

Director General

No. 729 / F.VI (02)-Estt

Dated 21/6/2017

A copy is forwarded to:

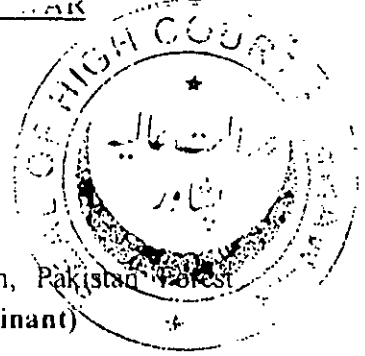
1. Director, Forestry Research Division, PFI, Peshawar.
2. Director, Forest Education Division, PFI, Peshawar.
3. The Administrative Officer (B&A), PFI, Peshawar.
4. Officer concerned.

Director General

Hamid Shah
Director General

27

IN THE PESHAWAR HIGH COURT P



COC NO. 285 /2015
In W.P No. 3456-P/2014

Hakim Shah, Director Forestry Research Division, Pakistan Forest
Institute, Peshawar (Complainant)

VERSUS

1. Federation of Pakistan through Secretary Inter Provincial Coordination Division, Islamabad.
2. Amjad Ali Khan, Chief Secretary, Civil Secretariat, Peshawar.
3. Syed Nazar Hussain Shah, Secretary to the Govt of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department, Civil Secretariat Peshawar.

(Respondents)

**Application for initiation of Contempt proceedings
against the respondents for willfully violating/not
complying and flouting the judgment & order dated
21.4.2015 of this Honourable Court**

Respectfully Submitted:

1. That the complainant has filed Writ Petition No. 3456-P/2014 in this Honourable Court with the following prayer: -

“On acceptance of this Writ Petition an appropriate Writ may please be issued directing the respondents to fill the post of Director General BPS-20, PFI, in accordance with the notification No. SRO 911(I)/84 dated 11.10.1984, the petitioner being the senior most Director PFI, perfectly fit and eligible to be promoted and posted as Director General BPS-20 PFI, besides the additional Charge given to the respondent No. 3 of the post of Director General PFI is liable to be struck down.

or

EXAMINER
Peshawar High Court
27/04/2015

28

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
<p><u>20/10/2015.</u></p>	<p><u>COC No. 285-P/2015 in WP No. 3456-P/2014 (D).</u></p> <p><u>Present:</u> Mr. Ijaz Anwar, Advocate, for the petitioner. Mr. Mujahid Ali, Assistant A.G. for the respondents.</p> <p style="text-align: center;">====</p> <p>In view of judgment dated 1.10.2015 of the Apex Court, placed on file, whereby although the relief has been refused to the respondents but three months time have been granted to implement judgment, therefore, the case is adjourned to 12.1.2016.</p> <p><i>Mr. Ijaz Anwar</i> <u>JUDGE</u></p> <p><i>Mr. Mujahid Ali</i> <u>JUDGE</u></p> <p>2571 5P 10:00 02-11-15 27-11-15</p> <p style="text-align: right;">CERTIFIED TO BE TRUE COPY Examined Peshawar High Court, Peshawar Subscribed Under Article 87 of the Constitution of Pakistan Order 1984 27 NOV 2015</p>

Date of Delivery of Nawab Shah 27-11-15
 Date of Delivery of 27-11-15
 Received By [Signature]

(28) A

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

ANX - I

Other employ

Dated Peshawar, the January 15, 2016

CORRIGENDUM

NO.SO (E-I)E&AD/9-112/2016. Government of Khyber Pakhtunkhwa is pleased to transfer Mr. Hakim Shah (BS-20), Additional Director General(Forestry Research), Pakistan Forest Institute and post him as Director General (BS-20), Pakistan Forest Institute (relieving Syed Nazar Hussain Shah PCS SG BS-20 of the additional charge), with effect from 14.1.2016.

2. The notification of even No. dated 14.1.2016 may be treated as withdrawn.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy forwarded to the:-

1. Registrar, Peshawar High Court, Peshawar.
2. Additional Chief Secretary, P&D Department.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. Secretary to Government of Khyber Pakhtunkhwa, Law & Parliamentary Affairs Department.
6. Secretary to Government of Khyber Pakhtunkhwa, Forestry, Environment & Wildlife Department.
7. Accountant General, Khyber Pakhtunkhwa.
8. Director General, Pakistan Forest Institute, Peshawar.
9. Director Information, Khyber Pakhtunkhwa Peshawar.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment/PS to SS(E)/PA AS(E), AS(HRD)/D.S(A)/D.S(E)/ SO(S)/ SO(E.II)/S.O. (HRD-I)/S.O.(E.IV)/E.O/ACSO Cypher D.D. IT and Director Protocol E&AD, Khyber Pakhtunkhwa.
12. Officers concerned.
13. Manager, Govt. Printing Press Peshawar.


(KASHIF IQBAL JILANI)
SECTION OFFICER (ESTT. I)
PH: & FAX NO. 091-9210529

212 JLN/10/16

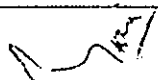
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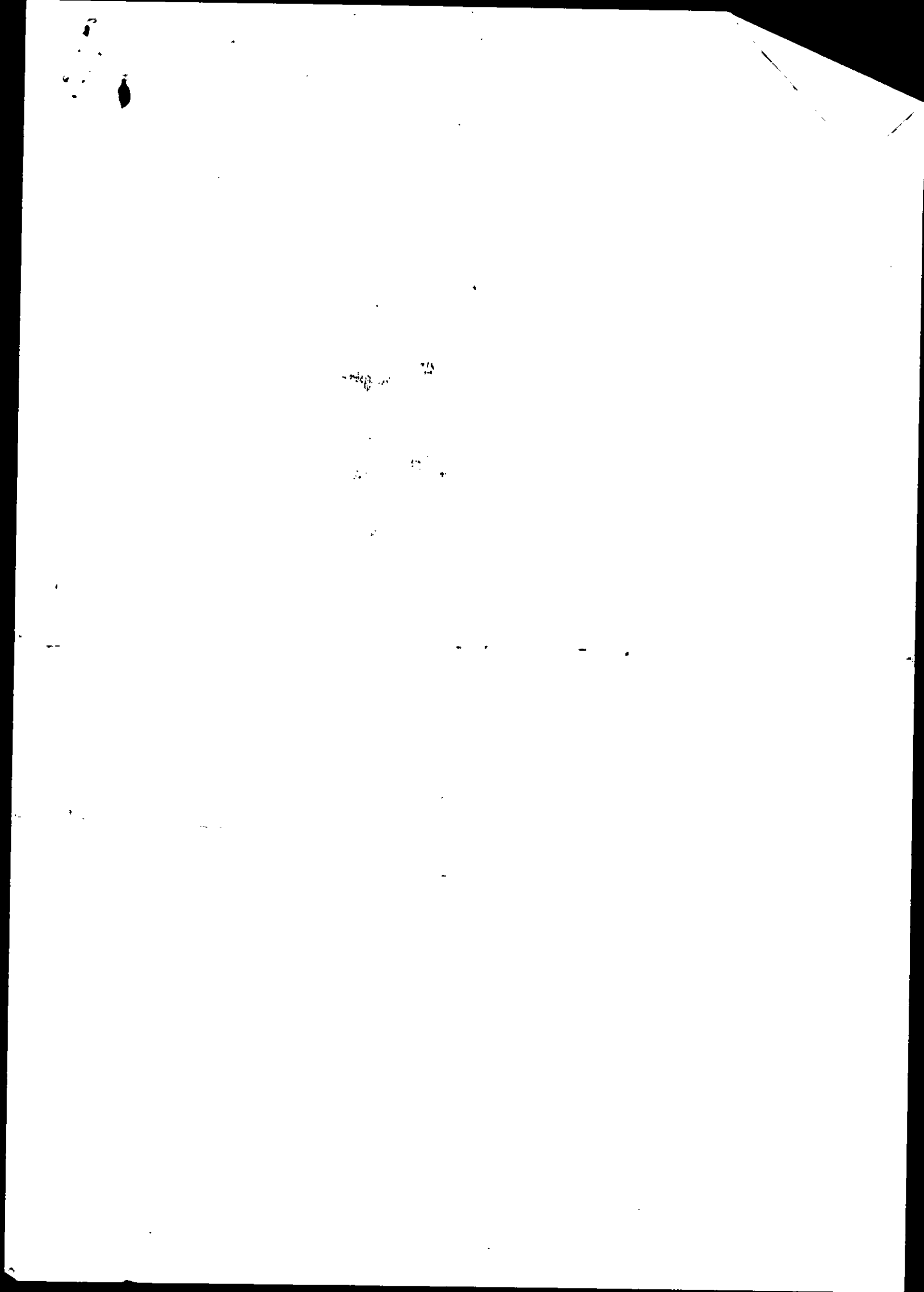
Security
VSB




**GRADATION LIST OF THE OFFICER OF INVESTIGATION
PAKISTAN FOREST INSTITUTE, PESHAWAR, ANNUAL REPORT 2017**

S.No.	Name, Designation and qualification	Date of Birth	Date of Entry into Govt. Service	Date of Entry into Govt. Service (16.5.2000)	Remarks	Signature
1	BS-20 Director General Hakim Shah M.Sc. (Forestry) M.Sc. Economics. M.Phil (Economics)	1-04-1959	30-05-1985	30-05-1985 (BS-17) 18-09-1990 (BS-18) 25-02-2000 (BS-19)		
1	BS-19 Director Biological Sciences Research Division Dr. Nasar Iqbal, Ph.D. Horticulture (Agriculture)	01-03-1966	16-01-1990	16-01-1990 (BS-17)	on long leave until 18-06-2011, and absent from duty since 19-06-2011. The disciplinary proceeding against him is under process in Cabinet Division, Islamabad.	
2	Director Forestry Research Division Mr. Ali Gohar,				On deputation from Forest Department	
3	Director, Biodiversity				On deputation from Wildlife Department	
4	Director Forest Product Research Division Post Vacant				-	
5	Director Forest Education Division Post Vacant				-	
6.	Director, NTFP Post Vacant				-	
1	BS-18 Medical Officer Dr. Ainul Hussain, M.B.B.S	1-03-1962	01-10-1991	1-10-1991 (BS-17)		

28C

S.No.	Name, Designation and qualification	Date of Birth	Date of Entry into Govt. Service	Date of Entry in Govt. Service (16&above)	Date of regular appointment to present post	Remarks	Signature
13	<u>Assistant Private Secretary</u> Vacant	-	-	-	-	-	
14	<u>Technical Assistant</u> 02 Post Vacant	-	-	-	-	-	
15	<u>Forest Ranger</u> 06 Post Vacant	-	-	-	-	-	
16	<u>Research Assistant</u> 02 Post Vacant	-	-	-	-	-	
17	<u>Computer</u> 03 Post Vacant	-	-	-	-	-	
18	<u>Assistant Private Secretary</u> Post Vacant	-	-	-	-	-	
19.	<u>Assistant</u> Farhan Ahmad, M.Sc	02-01-1984	17-05-2010	20-05-2014	20-05-2014		
20.	<u>Assistant</u> Mr. Akhtar Hussain	18-01-1959	12-08-1978	20-05-2014 ✓	20-05-2014 ✓		
21.	<u>Assistant</u> Wahiba Iqbal M.Sc Botany B.Ed	16-04-1989	02-09-2014	02-09-2014	02-09-2014		
22.	<u>Male Nurse</u> Mr. Khair-ul-Hassan	07-06-1977	19-02-2004	01-07-2016	01-07-2016		



  	21585 ایڈویکٹ: <u>سیف اللہ حلیل</u> بار کونسل/ ایسوسی ایشن نمبر: <u>10-7499</u> رابطہ نمبر: <u>0313 5941431</u>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریبونل جسٹس پشاور

دعویٰ: <u>سروس اسل</u>	منجانب:
علت نمبر:	<u>اختر حسین</u>
مورخہ:	<u>بنام</u>
جرم:	<u>گورنمنٹ KPK وٹمنہ</u>
تھانہ:	

باعت تحریر آتکہ

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

Accepted

آن مقام پشاور کیلئے سیف اللہ حلیل کو وکیل 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 برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری ٹیکٹ فرنیچر یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تارتخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

اختر حسین

المرقوم: _____
 الع گواہ شد الع
 مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 946/2019

Mr. Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar Ex-Look After
Superintendent at Pakistan Forest Institute Peshawar

SCANNED
KPST
Peshawar

.....**APPELLANT**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Environment Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar
3. Director General, Pakistan Forest Institute, Peshawar

.....**RESPONDENTS**

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4.	Minutes of DPC meeting dated 30-05-2019	C	18-21
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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**Service Appeal No. 946/2019**

Mr. Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar Ex-Look After
Superintendent at Pakistan Forest Institute Peshawar

.....**APPELLANT**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Environment Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar
3. Director General, Pakistan Forest Institute, Peshawar

.....**RESPONDENTS**

PARAWISE COMMENTS ON BEHALF OF RESPONDENT No. 1,2 & 3

Respectfully Sheweth:

Preliminary Objections:

1. That the appellant has no legitimate cause of action.
2. That the appellant has no locus standi to file instant appeal.
3. That the appellant has not come to the Hon'ble Khyber Pakhtunkhwa Service Tribunal, with clean hands.
4. That the appellant has not exhausted the available remedies before approaching the Tribunal i.e. Departmental Appeal.
5. That the appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.

FACTS

1. Pertains to record hence needs no comments.
2. Pertains to record hence needs no comments.
3. Pertains to record hence needs no comments
4. Correct to the extent that Pakistan Forest Institute (PFI), Peshawar was an Attached Department of Ministry of Environment, Islamabad till 30-06-2011. Consequent upon the 18th Constitutional Amendment, Ministry of Environment, Islamabad ceased to exist w.e.f. 01-07-2011 (**Annex-A**), therefore, PFI, Peshawar was devolved to the Government of Khyber Pakhtunkhwa and all its employees including the appellant were transferred to government of Khyber Pakhtunkhwa on deputation basis in their own

basic pay of scales under the Civil Servant Act, 1973. Subsequently, the Provincial Government of Khyber Pakhtunkhwa declared PFI as an Attached Department of Environment (now Forestry, Environment & Wildlife) Department. On 09-01-2018. All employees of PFI, including the appellant, were provincialized under section 11 (B) of Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015. It is further added that due to devolution of PFI, all the Appointment, Promotion and Transfer Rules had become dysfunctional to the extent of PFI and therefore, promotion cases of the PFI employees (including the appellant) could not be made. However, in order to ensure smooth functioning of the office work, the appellant was assigned the look-after-charge of the post of Superintendent. The appellant got retired from government service on attaining the age of superannuation w.e.f. 17-01-2019, and the fresh service rules of PFI were notified on 16-04-2019 i.e. after retirement of appellant. Moreover, the appellant while he was in service, filed writ petition No. 3987/2018 in Peshawar High Court for promotion to the post of Superintendent.

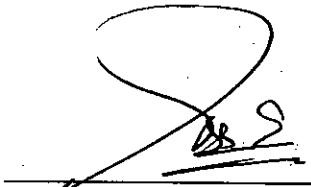
5. That Hon'ble Peshawar High Court in its judgment dated 11-12-2018, directed the respondents to place his case for promotion before the Departmental Promotion Committee (DPC), if he otherwise deserved to be promoted (**Annex-B**). In compliance his promotion case was placed before the DPC on 27-05-2019, wherein the committee considered his case and observed that all the employees of PFI including the appellant were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act, 1973. The official retired from service as federal government employees w.e.f. 17-01-2019 on superannuation, whereas the service rules of PFI were notified on 16-04-2019. Therefore, these service rules are not applicable to those employees who retired from service before notification of service rules of PFI. Therefore, the DPC did not find him fit for promotion as Superintendent (BS-17) (**Annex-C**).
6. As explained in para-4 & 5 above.
7. As explained in para-4&5 above.
8. As explained in para-4&5 above.
9. No comments

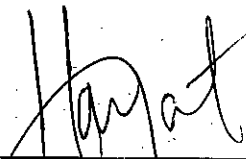
GROUNDS

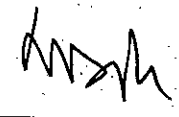
- A. Incorrect. As explained in para-4 & 5 of the facts.
- B. Incorrect. As explained in para-4 & 5 of the facts.
- C. Incorrect. As explained in para-4 & 5 of the facts.
- D. As replied above.
- E. Incorrect. As explained in para-4 & 5 of the facts.
- F. Incorrect. As explained in para-4 & 5 of the facts.
- G. Incorrect. As explained in para-4 & 5 of the facts.

- H. Incorrect. As explained in para-4 & 5 of the facts.
- I. Incorrect. As explained in para-5 of the facts. It is clarified in compliance of Hon'ble Peshawar High Court order dated 21-4-2015 in writ petition No.2456/2014 and on the recommendation of the Provincial Selection Board, Mr. Hakim Shah, then Director, Forestry Research Division (BS-19), was promoted to the post of BPS-20 on regular basis and subsequently posted as Additional Director General (Forestry Research) (BPS-20), PFI vide notification dated 09-01-2016, during his service in PFI (**Annex-D**).
- J. The respondents seek leave to raise additional grounds at the time of arguments.

In view of the above, it is humbly prayed that instant service appeal, being devoid of merit, may please be dismissed in limine, with cost.


Secretary,
Govt. of Khyber Pakhtunkhwa
FE & W Department
Respondent No.1


Secretary,
Govt. of Khyber Pakhtunkhwa
Establishment Department
Respondent No.2


Director General
Pakistan Forest Institute,
Peshawar
Respondent No. 3

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4

TO BE PUBLISHED IN THE GAZETTE OF PAKISTAN, EXTRAORDINARY

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CABINET DIVISION

Islamabad; the 29th June, 2011

NOTIFICATION

No. 4-9/2011-Min.I: Consequent upon the deliberations / decisions of the Implementation Commission, constituted under clause (9) of Article 270AA of the Constitution and with the approval of the Cabinet, the following Federal Ministries, alongwith all their Divisions / components, shall cease to exist with effect from 1st July 2011:

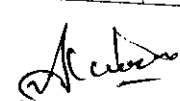
- i. Ministry of Environment;
- ii. Ministry of Food and Agriculture;
- iii. Ministry of Health;
- iv. Ministry of Labour and Manpower;
- v. Ministry of Minorities Affairs;
- vi. Ministry of Sports; and
- vii. Ministry of Women Development.

2. The following functions, earlier allocated to these Ministries/Divisions shall stand devolved to the Provinces or relocated, to the Ministries / Divisions mentioned against each, w.e.f. 1st July 2011:

MINISTRY OF ENVIRONMENT

SUBJECTS/ENTRIES		DECISION
1.	National policy, plans, strategies and programmes regarding: a) Environmental pollution, ecology, forestry, wildlife, biodiversity, climate change and desertification; b) Improvement in environmental conditions of air, water and land; c) Incorporation of environmental concerns in development schemes; and d) energy conservations	Assigned to the Planning and Development Division Devolved Devolved Devolved
2.	Coordination, monitoring and implementation of environmental agreements with other countries, international agencies and forums	Assigned to the Planning and Development Division
3.	Forestry training, education and research	Devolved
4.	Survey and research in flora and fauna.	Devolved
5.	Secretariat of Pakistan Environmental Protection Council established under the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997)	Assigned to the IPC Division
6.	Pakistan Environmental Planning and Architectural Consultants Limited (PEPAC)	Assigned to the Planning and Development Division for winding up



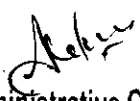

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7.	Quaid-e-Azam Mazar Management Board (QMMB) and Quaid-e-Azam Memorial Fund	Assigned to the IPC Division
Attached Departments/Organizations of Ministry of Environment		
1.	Pakistan Environmental Protection Agency	Assigned to Capital A&D Division
2.	National Council for Conservation of Wildlife in Pakistan	Devolved (Hunting areas for foreign dignitaries assigned to the Ministry of Foreign Affairs through the concerned provinces)
3.	Pakistan Forest Institute	Devolved to Khyber Pakhtunkhwa
4.	Zoological Survey of Pakistan	Assigned to the Ministry of Science & Technology
5.	National Energy Conservation Centre (ENERCON)	Assigned to the Ministry of Water and Power
6.	Marine Biological Research Laboratory, Karachi	Assigned to the Ministry of Ports & Shipping
7.	Global Environment Impact Study Centre, Islamabad	Assigned to the Planning & Development Division

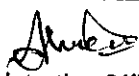
MINISTRY OF FOOD AND AGRICULTURE

1.	Economic Coordination and planning in respect of food.	Clubbed with Sr. No 11, reworded as "Economic Coordination and planning in respect of food, Economic Planning and policy making in respect of agriculture", and assigned to the Planning & Development Division
2.	Keeping a watch over the food supplies (including storage) position in the country	Assigned to the Federal Bureau of Statistics
3.	Procurement of foodgrains, including sugar:- a) from abroad; b) for Federal requirement; c) for Inter-Provincial supplies; and d) for export and storage at ports	Assigned to the Ministry of Commerce
4.	Import and export control on foodgrains and foodstuffs.	Clubbed with Sr. No. 5, reworded as "Import and export control on foodgrains and foodstuffs. Inspection, grading analysis of food grains and foodstuffs, maintenance of standards of quality for import and export, and inspection, handling, storage and shipment of rice for export", and assigned to the Ministry of Commerce
5.	Inspection, grading, analysis of foodgrains and foodstuffs and maintenance of standards of quality for import and export. <i>Note: "Inspection, handling, storage and shipment of rice for export" is the concern of Commerce Division.</i>	Clubbed with Sr. No. 4
6.	Preparation of basic plan for bulk allocation of food grains and foodstuffs.	Assigned to the IPC Division for consideration of the CCI
7.	Price stabilization by fixing procurement and issue prices including keeping a watch over the price of food grains and foodstuffs imported from abroad or required for export and those required for inter-Provincial supplies.	Assigned to the IPC Division for consideration of the CCI


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8.	Collection of statistics regarding production, consumption, prices, imports and exports of foodgrains.	Assigned to the Federal Bureau of Statistics
9.	Food and Agriculture Organization of the United Nations in respect of food	Clubbed with Sr. Nos. 10, 13, 14 and 33, reworded as "Food and Agriculture Organization of the United Nations in respect of food; Coordination of work relating to aid/assistance being received from aid-giving agencies in respect of food sector; Food and Agricultural Organization of the United Nations in respect of agriculture; Coordination of aid /assistance from international aid-giving agencies in respect of agriculture sector, Coordination of aid /assistance from international aid-giving agencies and FAO in respect of agricultural research, including manpower training for research", and assigned to the Economic Affairs Division
10.	Coordination of work relating to aid/assistance being received from aid-giving agencies in respect of food sector	Clubbed with Sr. No. 9
11.	Economic Planning and policy making in respect of agriculture	Clubbed with Sr. No. 1
12.	Agricultural Research Council; Agricultural commodities research;	Clubbed with Sr. Nos. 32, 34 and 37, reworded as "Agricultural Research Council; Agricultural commodities research; Federal Agriculture Research Organizations; Research for the introduction of improved germ plasma both of plant and animal origin; Inter-provincial coordination and coordination between the centre and provinces in respect of agricultural research, including training of high level agriculture scientists", and assigned to Pakistan Agricultural Research Council with the Ministry of Science & Technology.
13.	Food and Agricultural Organization of the United Nations in respect of agriculture;	Clubbed with Sr. No. 9
14.	Coordination of work relating to aid / assistance being received from aid giving agencies in respect of agriculture sector	Clubbed with Sr. No. 9
15.	Plant protection:- a) standardization and import of pesticides; b) aerial spray; c) plant quarantine; and d) locust control in its international aspect and maintenance of locust warning organizations	Assigned to the Ministry of Commerce
16.	Economic studies for framing agricultural policy.	Devolved




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17.	Farm management research for planning project formulating and evaluation.	Devolved
18.	Seed testing and seed certification; Crops forecast and estimation; crop insurance	Assigned to the Ministry of Science & Technology. Devolved
19.	Collection and compilation of agricultural statistics	Assigned to the Federal Bureau of Statistics
20.	Marketing intelligence.	Devolved
21.	Grading of agricultural commodities other than foodgrains, for exports.	Assigned to the Ministry of Commerce
22.	Agricultural commodity research (marketing research and laboratory research for laying down national grades)	Devolved
23.	Soil survey, comprehensive inventory of the soil resources of the country and their proper utilization.	Devolved
24.	Standardization and import of fertilizers for meeting Provincial requirements.	Assigned to the Ministry of Commerce
25.	Introduction of special crops like jute, tea, olive etc.	Devolved
26.	Standardization of agricultural machinery	Devolved
27.	Under-developed Areas:- a) Identification of Under-developed Areas. b) Identification of the fields in which an area is under-developed. c) Measures necessary to remove the causes of under-development in different areas.	Devolved
28.	Economic planning and coordination with regard to cooperatives	Devolved
29.	Administrative control of the PASSCO	Assigned to the Ministry of Commerce
30.	Sugar Board	Deleted
31.	Socio-economic studies for framing agricultural research policies	Deleted
32.	Agricultural commodities research; Federal Agricultural Research Organizations;	Clubbed with Sr. No. 12
33.	Coordination of aid /assistance from international aid-giving agencies and FAO in respect of agricultural research, including manpower training for research	Clubbed with Sr. No. 9
34.	Research for the introduction of improved germ plasma of plant origin	Clubbed with Sr. No. 12
35.	Collection of statistics on agricultural research.	Assigned to the Federal Bureau of Statistics
36.	High level manpower training for agricultural research.	Devolved
37.	Inter-provincial coordination and coordination between the centre and provinces in respect of agricultural research, including training of high level agriculture scientists	Clubbed with Sr. No. 12
38.	Administrative control of Pakistan Central Cotton Committee with participation and inputs of Textile Industry Division	Assigned to the Ministry of Textile Industry

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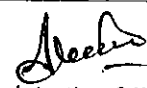
Attached Departments/Organisations of Ministry of Food & Agriculture		
1.	Agricultural & Livestock Products Marketing and Grading Department, Islamabad	Wound up
2.	Department of Plant Protection, Karachi	Assigned to the Ministry of Commerce
3.	Agricultural Policy Institute, Islamabad	Assigned to the Ministry of Science & Technology
4.	Directorate General of Food, Karachi	Wound up
5.	Federal Seed Certification & Registration, Islamabad	Assigned to the Ministry of Science & Technology
6.	Soil Survey of Pakistan, Lahore	Devolved to the Government of the Punjab
7.	Pakistan Agricultural Research Council	Assigned to the Ministry of Science & Technology
8.	Pakistan Central Cotton Committee, Multan	Assigned to the Ministry of Textile Industry
9.	Directorate of Food Accounts, Islamabad	Wound up
10.	Pakistan Oilseed Development Board, Islamabad	Wound up
11.	PASSCO, Lahore	Assigned to the Ministry of Commerce
12.	Pakistan Dairy Development Company (PDDC)	Assigned to the Cabinet Division for winding up

MINISTRY OF HEALTH

1.	National Planning and Coordination in the field of health.	Assigned to the Planning and Development Division
2.	Dealings and agreements with other countries and international organisations in the fields of health, drug and medical facilities abroad	Assigned to the Economic Affairs Division
3.	International aspects of medical facilities and public health; International Health Regulations; Port health; health and medical facilities abroad	Assigned to the Economic Affairs Division
4.	Scholarships/fellowships, training courses in health from International Agencies such as W.H.O. and UNICEF	Assigned to the Economic Affairs Division
5.	Medical, nursing, dental, pharmaceutical, para-medical and allied subjects:- a) maintenance of educational standards; b) education abroad and c) educational facilities for backward areas and for foreign nationals, except the nomination of candidates from Federally Administered Tribal Areas for admission to Medical College	a) Devolved, except to the extent of Federal areas b) Assigned to the IPC Division c) Assigned to the IPC Division
6.	Standardization and manufacture of biological and pharmaceutical products.	Assigned to the proposed Drug Regulatory Agency
7.	Vital health statistics	Assigned to the Federal Bureau of Statistics
8.	Medical and health services for Federal Government employees.	Assigned to Capital A&D Division
9.	National Associations in medical and allied fields such as the Red Crescent Society and T.B. Association	Assigned to the IPC Division



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10.	Coordinating medical arrangements and health delivery systems for the Afghan refugees.	Assigned to the States and Frontier Regions Division
11.	i) Legislation pertaining to drugs and medicines, including narcotics and psychotropic, but excluding functions assigned to the Pakistan Narcotics Control Board; ii) Administration of Drugs Act, 1976; and iii) Poisons and dangerous drugs	Assigned to the proposed Drug Regulatory Agency Assigned to the proposed Drug Regulatory Agency Assigned to the proposed Drug Regulatory Agency
12.	Prevention of the extension from one Province to another of infectious and contagious diseases.	Devolved
13.	Lunacy and Mental deficiency.	Devolved
14.	Administrative control of the Pakistan Medical Research Council.	Assigned to the IPC Division
15.	Administrative control of the National Institute of Handicapped, Islamabad.	Assigned to Capital A&D Division
Attached Departments/Organizations of Ministry of Health		
1.	Pakistan Medical and Dental Council	Assigned to IPC Division
2.	Pakistan Nursing Council	Assigned to IPC Division
3.	College of Physicians and Surgeons	Assigned to IPC Division
4.	National Council for Tibb	Assigned to IPC Division
5.	National Council for Homeopathy	Assigned to IPC Division
6.	Pharmacy Council of Pakistan	Assigned to IPC Division
7.	National Institute of Health	Assigned to Cabinet Division
8.	Proposed Drug Regulatory Agency	Assigned to Cabinet Division
9.	PIMS	Assigned to Capital A&D Division
10.	Federal Government Services Hospital, Isl.	Assigned to Capital A&D Division
11.	Directorate of Malaria Control, Islamabad	Wound up
12.	National Health Information Resource Centre, Islamabad	Merged with National Institute of Health
13.	Health Services Academy, Islamabad	Assigned to IPC Division
14.	Federal Dental and Medical College, Islamabad	Assigned to Capital A&D Division
15.	Jinnah Postgraduate Medical Centre, Karachi	Devolved to Government of Sindh
16.	National Institute of Child Health, Karachi	Devolved to Government of Sindh
17.	Directorate of Central Health Establishment, Karachi	Assigned to IPC Division
18.	National Institute of Cardiovascular Diseases, Karachi	Devolved to Government of Sindh
19.	Sheikh Khalifa Bin Zaid Hospital, Quetta	Devolved to Government of Balochistan
20.	Tobacco Control Cell	Merged with Health Services Academy
21.	Vertical Programmes	Devolved to the Provinces
22.	National Health Emergency Preparedness and Response Network	Assigned to Cabinet Division

MINISTRY OF LABOUR & MANPOWER


1.	National policy regarding a) Employees Social Security Schemes; b) War Injuries Scheme and War Injuries Compensation Insurance; and c) The Employment (Record of services) Act, 1951 (XIX of 1952).	Devolved
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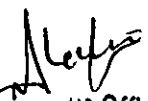
2.	a) Legislation relating to welfare of labour; conditions of labour, provident fund; employers liability and workmen's compensations; health insurance, including invalidity pensions; old-age pensions; workers' children education; un-employment insurance; trade unions; industrial relations and labour disputes. b) the Industrial Relations ordinance, 2002(XCI of 2002).	Devolved Devolved <i>Industrial Relations Act, 2011, assigned to the IPC Division along with the Industrial Relations Commission</i>
3.	Compilations of labour statistics for national and international consumption.	Assigned to the Federal Bureau of Statistics
4.	Dealing and agreements with international organizations in the fields of labour and social security.	Assigned to the Economic Affairs Division
5.	Keeping a watch on labour legislation from international angle	Clubbed with Sr. No. 10, reworded as "Administration of the Industrial Relations Act, 2011, keeping a watch on labour legislation from international angle, and coordination of labour legislation in Pakistan", and assigned to the IPC Division
6.	Federal Labour Conference; the Pakistan Tripartite Labour Conference; Standing Labour Committee; Bonus Commission	Devolved
7.	Administration of :- i) The Workers Welfare Fund Ordinance, 1971 (XXXVI of 1971). ii) The Companies Profits (Workers participation Act, 1968 (XII of 1968); iii) the Employees, old Age Benefits Act, 1976 (XIV of 1976, including super vision and control of the Employees' Old Age Benefit Institution; and iv) Newspapers Employees (Conditions of Service) Act, 1973 (LVIII of 1973).	Assigned to IPC Division Assigned to IPC Division Assigned to IPC Division Assigned to Ministry of Information & Broadcasting
8.	Regulation of labour and safety in mines and oil-fields	Devolved, <i>except for radioactive materials (assigned to the Ministry of Defence)</i>
9.	Administrative control of the National Institute of Labour Administration Training.	Devolved
10.	Coordination of labour legislation in Pakistan	Clubbed with Sr. No. 5
11.	Education of workers in the essentials of trade unions, including education in respect of their rights and obligations.	Devolved
12.	National policy, Planning and coordination, regarding manpower development and employment promotion.	Devolved


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13.	Foreign employment and emigration.	Assigned to the Ministry of Overseas Pakistanis
14.	National policy regarding- a) Resettlement and employment of demobilized personnel; and b) Registration of essential personnel under the Essential Personnel (Registration) Ordinance, 1948 (X of 1948)	Devolved
15.	Compilation of manpower and employment statistics for national and international consumption.	Assigned to the Federal Bureau of Statistics
16.	Administration of - a) the Emigration Ordinance, 1979 (XVIII of 1979) and b) the Control of Employment Ordinance, 1965 (XXXII of 1965)	a) Assigned to Ministry of Overseas Pakistanis b) Assigned to Ministry of Overseas Pakistanis
17.	Policy and programme regarding setting up and development of employment exchanges; employment information bureaus; vocational guidance and youth employment offices.	Deleted
18.	Welfare of Seamen	Assigned to Ministry of Ports & Shipping, along with Seamen Hostel, Karachi
19.	Periodic assessment, review and analysis of manpower resources and requirements with reference to the employment situation in the country	Assigned to Federal Bureau of Statistics
20.	Preparation of short and long-term Programmes for manpower development and employment promotion.	Devolved
21.	Stock taking of highly qualified and skilled personnel National Talent Register.	Assigned to IPC Division
22.	Training in manpower planning and research.	Assigned to IPC Division
23.	Technical Training, Federal Training Board apprenticeship training and other training programme for workers	Devolved, except to the extent of Federal Territories
24.	Schemes of regular visits to Pakistan of qualified Pakistani experts positioned abroad excluding scheme for "Transfer of Technology".	Deleted
25.	Administrative control of- (a) Overseas Employment Corporation; and (b) Bureau of Emigration and Overseas Employment.	a) Assigned to Ministry of Overseas Pakistanis b) Assigned to Ministry of Overseas Pakistanis
Attached Departments/Organizations of Ministry of Labour & Manpower		
1.	National Talent Pool, Islamabad	Assigned to IPC Division
2.	Directorate of Seafarers' Safety, Karachi	Assigned to Ministry of Ports and Shipping
3.	National Talent Bureau, Islamabad	Assigned to Capital A&D Division
4.	Chief Inspector of Mines, Islamabad	Assigned to Ministry of Petroleum & Natural Resources
5.	Pakistan Manpower Institute, Islamabad	Assigned to IPC Division
6.	Directorate of Workers' Education	Devolved


 Administrative Officer (G)
 Administrative Officer (G)
 Pakistan Forest Institute
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7.	National Institute of Labour Administration Training, Karachi	Devolved to Government of Sindh
8.	National Industrial Relations Commission	Assigned to the IPC Division
9.	Implementation Tribunal for Newspaper Employees.	Assigned to Ministry of Information & Broadcasting
10.	Workers' Welfare Fund	Assigned to IPC Division
11.	Employees Old-Age Benefits Institution	Assigned to IPC Division

MINISTRY OF MINORITIES AFFAIRS

1.	Safeguarding the rights of minorities	Devolved
2.	Promotion of welfare of minorities	Devolved
3.	Protection of minorities against discrimination	Assigned to Ministry of Human Rights
4.	Representation of Pakistan in international bodies and conferences relating to minorities, including U.N. Sub-Commission on Prevention of Discrimination to Minorities.	Assigned to the Ministry of Human Rights
5.	International Agreements and commitments in respect of minorities and their implementation.	Assigned to the Ministry of Human Rights
6.	All other matters relating to minorities	Devolved
7.	Evacuee Trust Property Board.	Assigned to the Ministry of Human Rights
8.	Policy and legislation with regard to Evacuee Trust Property.	Reworded as "Policy and legislation with regard to Evacuee Trust Property, Minorities Welfare Fund, and National Commission for Minorities" and assigned to the Ministry of Human Rights

MINISTRY OF SPORTS

1.	Legislation covering all aspects of sports affairs and matters ancillary thereto	Assigned to Pakistan Sports Board
2.	Design, develop and implement Sports Policy in conformity with national objectives and laws	Assigned to Pakistan Sports Board
3.	Monitoring of the implementation of policies on all aspects of sports	Assigned to Pakistan Sports Board
4.	Administrative control of Board established for the promotion development of sports under the Sports (Development and Control) Ordinance 1962, (XVI of 1962)	Assigned to IPC Division
5.	National Sports Awards, including Pride of performance Awards in the field of sports	Assigned to Pakistan Sports Board
6.	Develop sports infrastructure, including the establishment of sports stadium and facilities.	Assigned to Pakistan Sports Board
7.	International exchange of sports persons, experts and teams with foreign countries.	Assigned to Pakistan Sports Board
8.	All international aspects of sports including negotiations for bilateral and multilateral agreements for mutual assistance and cooperation in the sports field.	Assigned to Pakistan Sports Board
9.	Regulation of administrative, budgetary and other matters of organizations dealing in sports.	Assigned to Pakistan Sports Board
10.	Sports matters relating to all the federating units	Assigned to Pakistan Sports Board
11.	Financial assistance to sports organizations, sportsmen and their bereaved families.	Assigned to Pakistan Sports Board

[Signature]
 Administrative Officer (G)
 Pakistan Forest Institute
 Peshawar

[Signature]

12.	Pakistan Sports Trust	Assigned to Pakistan Sports Board
13.	Matters relating to the Pakistan Olympic Association and national sports federations.	Assigned to Pakistan Sports Board
14.	Management of Fund set up for promotion of sports.	Assigned to Pakistan Sports Board
Attached Departments/Organizations of Ministry of Sports		
1.	Pakistan Sports Board	Assigned to IPC Division
2.	Pakistan Cricket Board	Assigned to IPC Division
3.	Islamabad Club	Assigned to Capital A&D Division
4.	Gun and Country Club	Assigned to Capital A&D Division

MINISTRY OF WOMEN DEVELOPMENT

1.	Matters relating to formulation of public policies and laws to meet their special needs of women, ensuring that women's interests and needs are adequately represented in public policy formulation by various organs and agencies of Government.	Devolved
2.	Assistance to women's organizations.	Devolved
3.	Promotion and undertaking of projects for providing special facilities for women.	Devolved
4.	Promotion and undertaking of training and research on the conditions and problems of women.	Devolved
5.	Representing Pakistan at International and bilateral level involving all gender related matters.	Assigned to Ministry of Human Rights
6.	Matters relating to equality of opportunity in education and employment and the fuller participation of women in all spheres of national life.	Devolved
Attached Departments/Organizations of Ministry of Women Development		
1.	National Commission on the Status of Women	Renamed as National Commission for Women and assigned to the Ministry of Human Rights
2.	Ombudsman	Assigned to Ministry of Law, Justice and Parliamentary Affairs

3. The following guidelines shall be followed in the context of the Devolution Process:

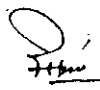
- ✓ a. Employees working in various field organizations under the Ministries indicated in paragraph 1 shall be transferred to the respective administrations of the provinces and federal areas (Islamabad Capital Territory, Gilgit-Baltistan and FATA) under Section 10 of the Civil Servants Act 1973, pending formulation of a new enabling law on the subject.
- b. Employees working in any Ministry being abolished shall be adjusted in other Ministries/Divisions.
- ✓ c. Development projects of these Ministries will also be transferred to the Provinces/Federal Territories along with Project employees.
- d. None of the employees of the devolved Ministries and their organizations shall be retrenched/laid-off.
- e. Office buildings, furniture, fixtures, equipment and transport in use of devolved establishments located in the Provinces shall also stand transferred to the respective Provinces.

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[Signature]
 Administrative Officer (G)
 Pakistan Forest Institute
 Peshawar

4. 1st July 2011 shall be observed as "Provincial Autonomy Day" in Pakistan.


5. Amendments in the Rules of Business, 1973, wherever necessary, are being issued subsequently.



(Syed Fayyaz Hussain)
Joint Secretary to the
Government of Pakistan

The Manager,
Printing Corporation of Pakistan Press
Islamabad.

Copy forwarded to:

1. Chairman, Deputy Chairman and Members of the Implementation Commission
2. Secretary General to the President
3. Principal Secretary to the Prime Minister
4. Secretaries/Additional Secretaries in-charge of Ministries/Divisions
5. Secretaries Senate/National Assembly Secretariats
6. Chief Secretaries of the Provincial Governments
7. Accountant General Pakistan Revenues, Islamabad
8. PIO, PID, Islamabad


(Syed Fayyaz Hussain)
Joint Secretary to the
Government of Pakistan
Ph: 9202918.


Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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Annex B

BEFORE THE HONOURABLE PESHAWAR HIGH COURT
PESHAWAR

W.P. No. 39877/2018

Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar at
Look after superintendent at Pakistan Forest Institute, Peshawar.
... PETITIONER

VERSUS

1. Government of KPK through Secretary Environment, Peshawar.
 2. Secretary to Govt of KPK establishment department Civil Secretariat Peshawar.
 3. Director General Pakistan Forests Institute, Peshawar.
- ... RESPONDENTS

FILED TODAY
Deputy Registrar
06 AUG 2018

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

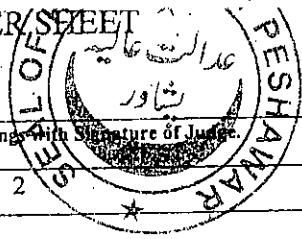
PRAYER IN WRIT: -

On acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17/01/2019 while the post of superintendent is vacant since Feb 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

ATTESTED
[Signature]
12 DEC 2018

FORM OF ORDER/SHEET



Date of Order of Proceedings	Order of other Proceedings With Signature of Judge
1	2
<p>11.12.2018</p>	<p><u>W.P.No.3987-P/2018</u></p> <p>Present: Mr. Saif Ullah Khalil (Senior), Advocate for petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG for the respondents.</p> <p><u>IKRAMULLAH KHAN, J:-</u> Through the instant writ petition,, under Article 199 of the Constitution of Islamic Republic of Pakistan, the petitioner has prayed for the following relief:-</p> <p>It is, therefore, most humbly prayed that on acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of Superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17.01.2019 while the post of Superintendent is vacant since February, 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed.</p> <p>Any other relief which this Hon'ble Court deem proper and fit may also be granted in favour of the petitioner and against the respondents.</p>

ATTESTED

EXAMINER
Peshawar High Court

42 DEC 2018

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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that petitioner is going to be retired in January, 2019 while his case is matured for due promotion but the DPC has not been scheduled according to law. Keeping in view the peculiar facts and circumstances of the case when the petitioner is going to be retired soon so propriety and justice demand that his case be placed for promotion before the Departmental Promotion Committee, if he otherwise deserved to be promoted.

The writ petition is disposed of accordingly.

JUDGE

JUDGE

No. 18138
 Date of Presentation of Application 11/12/18
 No of Pages
 Copying Fee
 Urgent Fee
 Total
 Date of Preparation of Copy 12/12/18
 Date of Delivery of Copy 12/12/18
 Received By

CERTIFIED TO BE TRUE COPY

EXAMINER
 Peshawar High Court, Peshawar
 Authorized Under Article 87 of
 The Constitution of Pakistan

12 DEC 2018


(Shahid Ali) P.S. (D.B.) Hon'ble Mr. Justice Ikramullah Khan and Hon'ble Justice Musarrat Hilal

Administrative Officer (G)
 Pakistan Forest Institute
 Peshawar

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	<p>GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT</p> <p>No.SO(Estt)FE&WD/I-3/2019 Dated Pesh: 30th May, 2019</p>
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To

- 1) The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
- 2) The Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.

Subject: **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE**

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of the approved minutes of Departmental Promotion Committee meeting, held on 27th May, 2019, chaired by Special Secretary, Forestry Environment & Wildlife Department, Khyber Pakhtunkhwa, on behalf of Secretary for information and office record, please.

Encl: as above

Yours faithfully,

(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT)

Endst: No.& date even

Copy alongwith a copy of the minutes of the subject meeting is forwarded to:-

1. Chief Conservator of Forests, Central Southern Forest, Region-I, Peshawar.
2. Director General, Environmental Protection Agency, Khyber Pakhtunkhwa.
3. Chief Conservator Wildlife, Khyber Pakhtunkhwa.
4. Director General, Pakistan Forest Institute, Peshawar.

They are requested that necessary orders on item No.I, III, V, IX, XV, XVI and XVII may kindly be issued in your respective departments, being competent authority as per Rule-4 of the APT Rules, 1989, please.



SECTION OFFICER (ESTT)


Endst: No.& date even

Copy is forwarded to:-

1. PS to Secretary FE&W Department, Khyber Pakhtunkhwa for information.
2. PS to Special Secretary FE&W Department, Khyber Pakhtunkhwa for information.
3. PA to Deputy Secretary-I, FE&W Department for information.

DDT/AO (S)
Ar 30/5/19.


Administrative Officer (G)
Pakistan Forest Institute
Peshawar


SECTION OFFICER (ESTT)

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE

SS

A meeting of the Departmental Promotion Committee was held on **27th May, 2019 at 1100 hours**, chaired by the Special Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa on behalf of Secretary, FE&W to discuss and consider the promotion cases in respect of the officers/officials of Forest Department, Wildlife Department, Environmental Protection Agency and Pakistan Forest Institute, Peshawar. The following attended:-

- (i) Mr. Zarif-Ul Maani, Special Secretary, Forestry, Environment & Wildlife Deptt: In chair
- (ii) Mr. Niaz Ali Khan, Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar. Member
- (iii) Sheikh Amjad Ali, Director General, Pakistan Forest Institute, Peshawar. Member
- (iv) Muhammad Niaz, Deputy Conservator Wildlife, Head Office, Peshawar Member
- (v) Dr. Muhammad Bashir Khan, Director General, Environmental Protection Agency, Khyber Pakhtunkhwa. Member
- (vi) Mr. Abdullah, Deputy Secretary-I, Forestry Environment & Wildlife Deptt: Member/Secretary
- (vii) Mr. Barkat Khan Section Officer (SR.I), Finance Department. Member
- (viii) Mr. Khalil-Ur-Rehman, Section Officer (Reg-III) Establishment Department. Member

2) The Departmental Promotion Committee examined/scrutinized all the documents required for promotion as per the relevant rules/policy and took decisions as reflected hereunder against each case:-

(I) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BPS-17) ON REGULAR BASIS IN FORESTS DEPARTMENT

The Departmental Promotion Committee was informed that there are total nine (09) sanctioned posts of Superintendents (BPS-17) in Forest Department, Khyber Pakhtunkhwa. At present, only Five (05) Superintendents are working in the Department while Four (04) posts are lying vacant due to retirement of Mr. Abdur Rashid, Sahib Zada, Sardar Khan and Muhammad Zubair, Superintendents (BS-17) w.e.f. 03rd June, 2018, 10th February, 2019, 04th January, 2019 and 24th April, 2019 respectively.

According to the existing service rules, the method of recruitment to the post of Superintendent is 100% by promotion. The official at Serial No: 01 has opted to forgo his promotion forever. The committee considered the senior most Assistants (BS-16) for promotion to the post of Superintendents (BS-17) in Forest Department, Khyber Pakhtunkhwa and took decisions as under:-

S.#	Name of officials	Recommendation of DPC
1	Muhammad Daud, Assistant (BS-16)	The official has opted to forgo his promotion forever. The Committee accepted his option under rule-7(5) of the APT Rules, 1989. The committee was further informed that the said official previously deferred by the DPC in its meeting held on 8.8.2017 and 02.10.2018.

[Signature]

Decision: The Committee **deferred him** for promotion to Administrative Post of Superintendent (BPS-17) for a period of four years.
Pakistan Forest Institute
Peshawar

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S.#	Name of officials	Recommendation of DPC
1	Muhammad Ajmal, Ropeway Operator (BS-12)	His date of birth is 18-10-1962. He joined the Govt: service on 25-02-1984 as Ropeway Operator. He has completed seven years length of service. His service record is generally good. His ACR's were found satisfactory. No inquiry is pending against him, nor any penalty awarded to him. Decision: The Committee cleared him for promotion to the post of Technical Assistant (BPS-16) on regular basis. The official will remain on probation for a period of one year as per the rules.

(XVIII) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDANT (BPS-17) ON REGULAR/NOTIONAL BASIS IN PFI, PESHAWAR

The Departmental Promotion Committee (DPC) was informed that Mr. Lakhkar Khan, ex-Assistant and Mr. Akhtar Hussain, ex-Assistant filed writ petition No. 248/2017 & 3987/2018 in the Hon'ble Peshawar High Court, Peshawar, with the prayer that they may be promoted against the available vacant post of Superintendent (BPS-17). The Hon'ble PHC in its judgments dated 25-01-2017 and 12-12-2018 well before the petitioners retiring dates, directed the respondents to place the working papers of the petitioners before the first available Departmental Promotion Committee for consideration.

As per the Budget Book, there are total four (04) sanctioned posts of Superintendent (BPS-17) in Pakistan Forest Institute (PFI), Peshawar, against which only two (02) Superintendents were working at that time while two (02) posts were lying vacant due to retirement of Mr. Tehmas Khan, Superintendent w.e.f. 4th February, 2014 and Mr. Shamshad Khan, Superintendent w.e.f. 18th April, 2016.

According to the existing service rules notified on 16th April, 2019, the method of recruitment to the post of Superintendent (BPS-17) is 100% by promotion among Office Assistant with at least five years length of service.

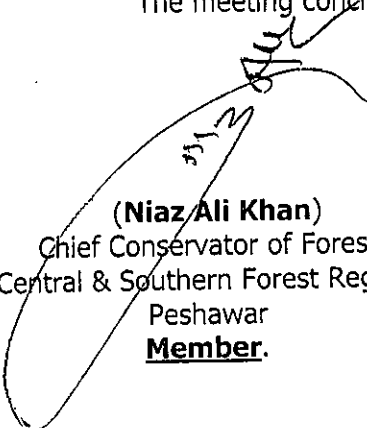
The committee examined and considered the case minutely and took decision as under:-

S.#	Name of officials	Recommendation of DPC
1	Mr. Lakhkar Khan, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 248-P/2017, dated 25/01/2017, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired from service as Federal Government employee on 27/02/2017 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who were retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.
2	Mr. Akhtar Hussain, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 3987-P/2018, dated 11/12/2018, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired on 17/01/2019 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.


[Handwritten signatures and initials on the left margin]

[Signature]
Administrative Officer (DPC)
Pakistan Forest Institute
Peshawar

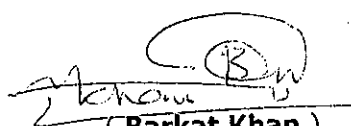
21
Annex-c
57
The meeting concluded with a note of thanks by the Chair.



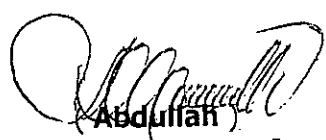
(Niaz Ali Khan)
Chief Conservator of Forests,
Central & Southern Forest Region-I,
Peshawar
Member.




(Muhammad Niaz)
Deputy Conservator Wildlife,
Head Office, Peshawar
Member




(Barkat Khan)
Section Officer (SR-I)
Finance Department
Member.




(Abdullah)
Deputy Secretary-I
Forestry Env't: & Wildlife
Department
Member/Secretary



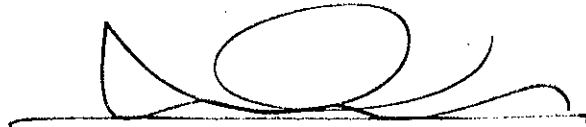
(Dr. Muhammad Bashir Khan)
Director General,
Environmental Protection Agency,
Khyber Pakhtunkhwa,
Member



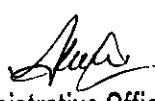
(Sheikh Amjad Ali)
Director General,
Pakistan Forest Institute,
Peshawar, **Member**



(Khalil-Ur-Rehman)
Section Officer (Reg-III)
Establishment Department.
Member.



(Zarif-Ul-Maani),
Special Secretary,
Forestry, Environment & Wildlife
Department,
Chairman



Administrative Officer (G)
Pakistan Forest Institute
Peshawar



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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar, the January 9, 2016

NOTIFICATION

NC.SO(E-I)E&AD/9-112/2016. The competent authority, on recommendations of the Provincial Selection Board, is pleased to promote Mr. Hakim Shah (officer of Pakistan Forest Institute BS-19) to (BS-20) on regular basis, with immediate effect

2. The officer on promotion shall remain on probation for a period of one year extendable for another year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon above, Mr. Hakim Shah (BS-20 officer of Pakistan Forest Institute) is transferred from the post of Director Forestry Research Division Pakistan Forest Institute and post him as Additional Director General (Forestry Research) (BS-20) Pakistan Forest Institute, against the vacant post.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Encls. No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department.
4. Commissioner, Peshawar Division, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Pakistan Forest Institute, Peshawar.
7. Chief Conservator of Forests Malakand, Forest Region-III, Swat.
8. Chief Conservator of Forests Region-I Central and Southern Forest Region-I, Peshawar.
9. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
10. Managing Director, Forest Development Corporation, Peshawar.
11. PSO to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary Establishment/PS to SS(E)/PA/AS(E), AS(HRD)/D.S(A)/D.S(E)/SO(S)/SO(E.II)/S.O. (HRD-I)/S.O.(E.IV)/E.O/ACSO Cyber D.D. IT and Director Protocol E&AD, Khyber Pakhtunkhwa.
14. Officers concerned.
15. Manager, Govt. Printing Press Peshawar.

Asif
**Administrative Officer (G)
Pakistan Forest Institute
Peshawar**

Kashif Iqbal Jilani
**(KASHIF IQBAL JILANI)
SECTION OFFICER (ESTT. I)
PH: & FAX NO. 091-9210529**

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Syed Munwar Ali Shah
Mr. Justice Sayyed Mazahur Ali Akbar, Jaffer

CIVIL PETITION NO. 538-J OF 2020

[Against the judgment dated 16.9.2020, passed by the Peshawar High Court, Peshawar, in W.P. No. 4129-P of 2019]

*Government of Khyber Pakhtunkhwa
through Secretary Establishment &
Administration Department, Civil
Secretariat, Peshawar and others* ... Petitioners

Versus

Lakhkar Khan and another ... Respondents

For the Petitioners : Mr. Shumayal Aziz,
Additional Advocate General,
Khyber Pakhtunkhwa,
Atta Rehman,
Administrator Officer

Respondents : N.R.

Date of Hearing : 18.05.2021

ORDER

GULZAR AHMED, CJ. The learned Additional Advocate General, Khyber Pakhtunkhwa (AAG) contends that the very writ petition before the Peshawar High Court, Peshawar (the High Court), was not maintainable for the reason that respondent No. 1 (the respondent) being a civil servant could not have sought direction from the High Court for granting him promotion. Further contends that the respondent has retired on 27.02.2017, while the meeting of the Departmental Promotion Committee (DPC) was held on 27.05.2019, after his retirement and such meeting of DPC was

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

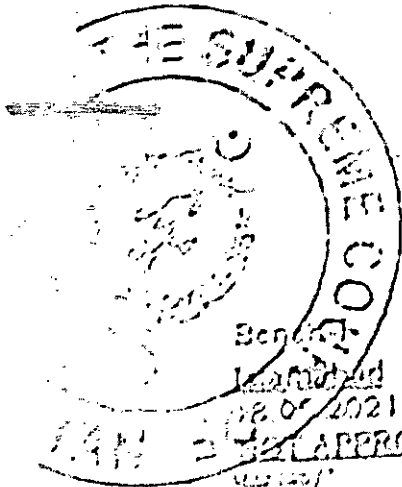
CMA No. 1029-P of 2020

held according to the newly promulgated rules, in light of which pursuant to which the respondent did not qualify to be promoted.

2. The submissions made by the learned AAG require consideration. Leave to appeal is granted to consider, inter alia, the same. The appeal stage paper-books be prepared from the available record with liberty to the parties to file additional documents, if any, within a period of one month. As the matter relates to service, the Office is directed to fix the appeal expeditiously, preferably after three months.

CMA No. 1029-P of 2020:

3. In the meantime, the operation of the impugned judgment is suspended.



Certified to be True Copy

Senior Counsel Associate
Supreme Court of Pakistan
Islamabad

GR. No. 8418/21 Legal Council
Date of Presentation 10-05-21

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Jamal Khan Mandokhail
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Syed Hasan Azhar Rizvi

C.A.468/2021 AND C.M.A.1029-P/2020

1. C.A.468/2021 Government of Khyber Pakhtunkhwa through Secretary Establishment & Administration Department, Peshawar and others v. Lakhkar Khan and another
(Against judgment dated 16.09.2020 passed by the Peshawar High Court, Peshawar in WP No.4429-P/2019)
2. C.M.A.1029-P/2020 Government of KP. through Secretary Establishment & Administration Department, Civil Secretariat, Peshawar and others v. Lakhkar Khan and another
(Stay application)

For the Applicant(s)/ Appellant(s) : Mr. Zahid Yousaf Qureshi, AOR
Mr. Farhan Ahmad, Admin Officer, PFI Peshawar

Respondent No.1 : Respondent in person
Mrs. Kausar Iqbal Bhatti, AOR

Date of Hearing : 25.10.2023

ORDER

Jamal Khan Mandokhail, J: C.A.468/2021: The respondent No.1 was serving as Assistant In Pakistan Forest Institute, a Federal entity, but on account of 18th amendment to the Constitution, the department was devolved to the Province of Khyber Pakhtunkhwa ("KPK"), In the year 2011, consequently, the services of the respondent alongwith other employees were also transferred to KPK. In the meanwhile, the post of Superintendent (BPS-17) fall vacant, to which the respondent applied, but the department did not process his case. Being

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

aggrieved, the respondent filed WP No.248-P of 2017, which was disposed of vide order dated 25.01.2017 with the direction to the department to consider his case for promotion in the first available meeting of the Promotion Committee. Before a meeting of the said committee could be convened, the respondent was retired from his service on 27.02.2017. The Provincial Government finally framed the Pakistan Forest Institute Recruitment and Promotion Rules, 2019 ("Rules"), on the basis whereof, a meeting of the Promotion Committee was convened by the department on 27.05.2019. The request of the respondent for his *proforma* promotion was turned down by the petitioner. Feeling aggrieved, the respondent filed a WP No.4429-P/2019 before the High Court which was allowed vide judgment dated 16.09.2020, hence the instant petition for leave to appeal.

2. Arguments heard and record perused. The learned AOR for the petitioners states that the department was devolved upon the Province of KPK in the year 2011⁴, but on account of none framing of service rules by the Province, the respondent's case for promotion was not considered. However, he admits the fact that before framing of Provincial Rules, the services of the respondent was governed by the previous rules framed by the Federal Government. Under such circumstances, when the right of promotion has accrued to the respondent, he was in service and that time, the rules framed by the Federal Government were

ATTESTED

Senior Court Associate
Supreme Court of Pakistan

In field. He applied for his proforma promotion in terms of the rules applicable to him at that time, but with no response, despite directions of the High Court.)

3. In view of the above, we see no reason to interfere in well reasoned findings of the High Court, based upon law and facts. The department shall consider the case of respondent No.1 on the basis of the previous rules and decide the same preferably within a period of 90 days, after receiving a copy of this order. The petition is dismissed and leave is declined.

4. C.M.A.1029-P/2020: Disposed of accordingly.

Sd/-J
Sd/-J
Sd/-J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad



19718/33

Case No: _____

Date of Presentation: 25-10-23

No of Words: 300

No of Folios: 1

Application Fee Rs: 5.00

Stamp Fee In: 5.00

Fee Stamps: 10.00

Date of Completion of Copy: 21/11/23

Date of Delivery of Copy: _____

Prepared by/Prepared by: 24-11-23

Received by: _____

150

Respondents

Annex - A

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT

NOTIFICATION

PESHAWAR DATED THE 16TH APRIL, 2019

No. SO(Estt)FE&WD/V-20/2019/3891-3904:- 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 Forestry, Environment and Wildlife Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in Column No. 3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne on the Pakistan Forest Institute specified in Column No. 3 to 5 of the said appendix:

APPENDIX

#	Nomenclature of the posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of recruitment
1)	Director General (BPS-20)			(i) By promotion on the basis of joint seniority-cum-fitness, from the Additional Director General (Forestry Research) (BPS-20), Additional Director General (Education) (BPS-20) and Additional Director General (Biological Sciences) (BPS-20) having seventeen (17) years service in BPS-17 and above; and (ii) Eight (08) Research Publications of the officer in Pakistan Journal of Forestry (PJF) or Higher Education Commission recognized Journals. (iii) Successful completion of Senior Management Course for promotion to the post of Director General, PFI. Note:- A joint seniority list of Additional Director General (Forestry Research) (BPS-20), Additional Director General (Education) (BPS-20) and Additional Director General (Biological Sciences) (BPS-20) shall be maintained for the purpose of promotion.

PFI Service Rules

(151)

Am...

66)	Administrative Officer(BPS-17)			By promotion on the basis of seniority-cum-fitness, from amongst the Superintendent (BPS-17) with three (03)years service as such.
67)	Superintendent (BPS-17)			By promotion on the basis of seniority-cum-fitness, from amongst the Assistant (BPS-16) with five (05) years service as such.
68)	Assistant Wood Working Officer (BPS-16)			By promotion on the basis of seniority-cum-fitness, from amongst the Foremen (Wood Workshop) (BPS-12) with seven (07)years service as such having Post-Matric three (03) years Diploma in Wood Working Technology.
69)	Computer Gr-1 (BPS-16)	At least Second Class Bachelor's Degree in Statistics, Mathematics or equivalent qualification from a Higher Education Commission recognized University.	22 to 32 years.	By initial recruitment.
70)	Forest Ranger (Watershed) (BPS-16)	At least Second Class Bachelor's Degree in Forestry or equivalent qualification from a Higher Education Commission recognized University.	22 to 32 years.	By initial recruitment.
71)	Forest Ranger (Mensuration) (BPS-16)	At least Second Class Bachelor's Degree in Forestry or equivalent qualification from a Higher Education Commission recognized University.	22 to 32 years.	By initial recruitment.
72)	Forest Ranger (Silva)(BPS-16)			By promotion on the basis of seniority-cum-fitness, from amongst the Foresters(BPS-08) with seven (07) years services as such.
73)	Forest Ranger (Range)(BPS-16)			By promotion on the basis of seniority-cum-fitness, from amongst the Field Assistant (BPS-08) with seven (07)years experience as such.

[Signature]
Senior Officer (BPS-17)
Forestry, Equipment
& Wildlife Department


(152)

- 7) Registrar Peshawar High Court/Service Tribunal, Khyber Pakhtunkhwa.
- 8) Secretary, Khyber Pakhtunkhwa Public Service Commission.
- 9) Director Budget & Accounts Cell, FE&W Department.
- 10) Librarian, Government of Khyber Pakhtunkhwa, Establishment Department.
- 11) Manager Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the Official Gazette with the request that twenty printed copies of the notification, as & when published may be furnished to this department.
- 12) PS to Secretary, FE&W Department Khyber Pakhtunkhwa.
- 13) Master file.
- 14) Concerned file.

Amir A

**PAKHTUNKHWA
WILDLIFE**

1, 2019


(HAFIZ ABDUL JALIL)
 SECTION OFFICER (ESTT) 16/4/2019
 ABDUL JALIL
 Section Officer (Estab.)
 Forestry, Environment
 & Wildlife Department

Appointment, Promotion and Transfer Rules for Ministerial Staff

Sl. No. 2-A : In pursuance of sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the ministerial posts in Ministries/Divisions and Departments under the Federal Government.

METHOD OF APPOINTMENT

2. The posts shall be filled in as follows

Name of post	Promotion	Direct Recruitment
1	2	3
L.D.C.	10%	90%
LDC (Selection Grade) ¹	100%	--
UDC	50%	50%
UDC (Selection Grade) ¹	100%	--
Assistant	50%	50%
Assistant (Selection Grade) ¹	100%	--
Assistant Incharge	100%	--
Superintendent	100%	--
Superintendent (Selection Grade) ¹	100%	--
Stenotypist	--	100%
² Stenotypist (Selection Grade) ¹	100%	--
Stenographer	50%	50%
Stenographer (Selection Grade) ³	100%	--

Provided that

- Failing promotion the posts falling in the promotion quota except the posts of Superintendent, Assistant Incharge and all the selection grade posts shall be filled in by direct recruitment and failing direct recruitment by transfer.
- Failing promotion due to non-availability of suitable person the posts of Assistant Incharge and Superintendent shall be filled in by transfer as prescribed by the Establishment Division from time to time.

CONDITIONS FOR PROMOTION

3. Promotion to posts in column 1 below shall be made by selection from amongst the persons who hold the posts specified in column 2 on a regular

¹33% of the posts of LDC/UDC/Assistant & Superintendent are in Selection Grade

²Inserted entry Finance Division O.M. No. F 1(45) Imp II/87, dt. 25.4.1988.

³33% of the posts of Stenotypist are in Selection Grade

⁴33% of the posts of Stenographer are in Selection Grade

Qualification
 Condition
 of Eligibility

basis and possess the qualifications and experience prescribed in column 3

Name of the post	Person eligible	Direct Recruitment
1	2	3
LDC	Qasid, N/Qasid, Daltry, Record Sorter, DMC, and other employees holding lower posts	Matriculate with typing speed 30 w p m.
LDC (Selection Grade)	LDC	Selection on seniority-cum-fitness.
U.D.C	LDC	3 years service as LDC.
UDC	UDC	Seniority-cum-fitness.
Assistant	UDC	3 years service as UDC.
Assistant (Selection Grade)	Assistant	Selection on the basis of seniority-cum-fitness.
Assistant Incharge	Assistant/Assistant (Selection Grade)	3 years service as Assistant (Selection Grade) or Assistant
*Stenotypist (S. Gr.)	Stenotypist	Seniority-cum-fitness.
Stenographer	Stenotypist	3 years service as Stenotypist
Stenographer (Selection Grade)	Stenographer	Selection on the basis of seniority-cum-fitness.
Superintendent	Assistant Incharge/ Assistant (Selection Grade)/Assistant	5 years service as Assistant Incharge/Assistant (Selection Grade)/Assistant.
Superintendent (Selection Grade)	Superintendent	Selection on the basis of seniority-cum-fitness.

Note :- Promotion to the posts of UDC, Assistant and Stenographer will be made on the basis of seniority-cum-fitness. Grant of selection grade in the post of LDC, UDC Assistant, Stenographer and Superintendent will also be made on the basis of seniority-cum-fitness. Promotion to the post of Assistant Incharge and Superintendent will be made by selection on merit. Promotion to the post of LDC will also be made on the basis of merit.

QUALIFICATIONS/CONDITIONS FOR TRANSFER

4. Appointment by transfer shall be made from amongst the persons holding equivalent appointment in the Ministries/Divisions/Departments under the Federal Government on a regular basis, provided they possess the qualifications/experience prescribed for direct recruitment or promotion to the post concerned.

QUALIFICATIONS/EXPERIENCE AND AGE LIMIT FOR DIRECT RECRUITMENT

5. A candidate must possess the educational qualifications and experience and must be within the age limit as mentioned against the post concerned in the schedule to this notification.

*Inserted vide Finance Division O.M. No. F-1045 Imp. II 87 dt. 23.4.1988