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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

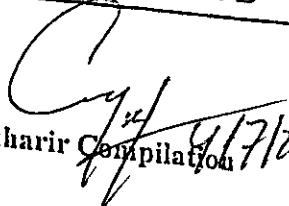
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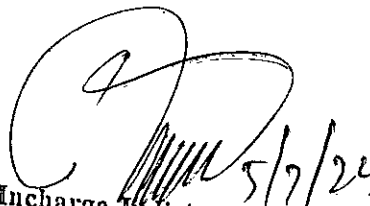
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GOVERNMENT OF KHYBER PAKHTUNKHWA,
DIRECTORATE OF ARCHIVES & LIBRARIES
PESHAWAR

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION/SELECTION
COMMITTEE OF THE DIRECTORATE OF ARCHIVES & LIBRARIES DEPARTMENT,
KHYBER PAKHTUNKHWA HELD ON 09-06-2014 AT 11.00 A.M IN OFFICE OF THE
DIRECTOR OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA.

A meeting of the Departmental Promotion/Selection Committee of the Directorate of Archives & Libraries, Khyber Pakhtunkhwa was held under the chairmanship of the Director of Archives & Libraries in his Office on 09-06-2014 at 11.00 a.m to consider the following proposals contained in the Working Paper:-


- i)- Promotion of one Junior Clerk(BPS-11) as Senior Clerk(BPS-14) against the existing vacancy in Directorate of Archives & Libraries, Peshawar.
- ii)- Promotion of one Daftari (BPS-02) as Junior Clerk (BPS-11) against one of the existing vacancies in Directorate of Archives & Libraries, Khyber Pakhtunkhwa.
- iii)- Regularization of Acting Charge based Promotion of Mr. Abdullah, Junior Clerk(BPS-11).


02- The Committee discussed the above proposals as contained in the Working Paper and after thoroughly examining the method of recruitment to the posts, service record & original Annual Confidential Reports of the last five years of the concerned officials, unanimously agreed to defer the promotion case of Mrs. Nasim Sikander, Junior Clerk till adjudication of the CPLA filed against her in the Supreme Court of Pakistan and cleared the following promotions :-


i)-	Promotion of Mr. Naheed Ullah, Junior Clerk(BPS-11), Mufti Mahmood Public Library, D.I.Khan as Senior Clerk(BPS-14) against the existing vacancy in Directorate of Archives & Libraries, Peshawar.
ii)-	Promotion of Mr. Abid Ullah, Daftari(BPS-02) as Junior Clerk(BPS-11) against one of the existing vacancies in the Directorate of Archives & Libraries, Khyber Pakhtunkhwa on acting charge basis.

03- The committee, after checking the relevant record also approved regularization of the acting charge based promotion of Mr. Abdullah, Junior Clerk (BPS-11), Directorate of Archives & Libraries, Peshawar w.e.f. 27-05-2014.

04- The meeting ended with vote of thanks to & from the chair.


(Javed Akbar),
Section Officer (Trg),
Higher Education, Archives &
Libraries Department, Khyber Pakhtunkhwa.


(NIGAR ALI),
Deputy Director,
Directorate of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.


(ZAHIR ULLAH KHAN),
Director of Archives & Libraries,
Khyber Pakhtunkhwa, Peshawar.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 636/2018

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

Muhammad Asif, Ex-Assistant Professor, Government College Technical
Peshawar.(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Director General, Technical Education and Manpower Training Khyber Pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary Industries, Commerce & Technical Education Department, Peshawar.
5. Chairman Khyber Pakhtunkhwa Technical Education & Vocational Training Authority, Peshawar.
6. Board of Directors Khyber Pakhtunkhwa TEVTA, Peshawar through its Secretary.(Respondents)

Mr. Zartaj Anwar,
Advocate

... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

Date of Institution..... 20.04.2018
Date of Hearing..... 17.05.2024
Date of Decision..... 17.05.2024

SCANNED
KPST
Peshawar

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 whereby the appellant was not promoted to the post of Associate Professor BPS- 19 and against which the departmental appeal dated 19.12.2017 was not responded. It has been prayed that on acceptance of the appeal, the appellant might be considered for proforma promotion with effect from the



date when the post of Associate Professor became vacant and to grant him all arrears and benefits, alongwith any other remedy which the Tribunal deemed appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was initially appointed as Lecturer BPS- 17 on the basis of Diploma in the relevant field and served the department for more than two decades and retired from service on 19.09.2016. He was promoted to the post of Assistant Professor (BPS-18) vide order dated 26.03.2013 in Engineering cadre, but not from the seniority list of Diploma holders. He was promoted in Engineering Cadre from the list of degree holders. In the seniority of Lecturers (Electrical) BPS- 17 of diploma holders as on 31.12.2011, name of the appellant was placed at serial no. 3. He, during service, improved his qualification by acquiring B.Tech (Hons) Degree in the year 2009. The respondents prepared list for promotion to the post of Assistant Professor, on the basis of degree, upon which the appellant submitted application to the competent authority that his name was included in the list of promotion for the post of Assistant Professor BPS- 18 in Engineering cadre on the basis of degree holders but he was senior most in the panel/seniority list of diploma holders, so he requested that his name might be included in the seniority list of diploma holders. After promotion to the post of Assistant Professor (BPS- 18) vide order dated 26.03.2013 in Engineering Cadre, he was placed in the seniority list of Assistant Professor Degree holders, which affected his seniority position as his name was placed at serial no. 40 of the list which would affect his service career and he would be deprived of his legal right of promotion to the

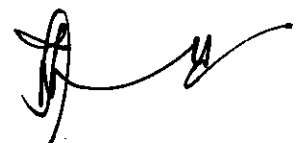


post of Associate Professor (BPS- 19). He submitted departmental appeal on 19.12.2017 which was not responded; hence the instant service appeal.

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

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant was not treated in accordance with law and rules on the subject. His rights, secured and guaranteed under the law, were badly violated. According to the rules for promotion to the post of Associate Professor (BPS- 19), eighty percent positions were to be filled by promotion on the basis of seniority-cum-fitness from amongst the Assistant Professors, Technical Cadre (BPS- 18) alongwith eligibility criteria. The post of Associate Professor was lying vacant since March 2013 and if the appellant had been promoted well in time and also his name was placed in the seniority list of diploma holders, then he would have been promoted to the post of Associate Professor BPS- 19 prior to his retirement. He further argued that the appellant was senior most Assistant Professor in diploma holder's list and was also fit and eligible for promotion but junior to him having the degree in the field were placed senior to him. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant was appointed as Trade Instructor BPS- 11 on 14.11.1978 having 03 years post matric Diploma



of Associate Engineering. He was allowed BPS- 14 on 04.11.1980. Later on he was allowed selection grade in BPS- 16 and then promoted to BPS- 17 on 07.10.1989. After passing the B-Tech Honors Degree course, the appellant forwarded a request, through proper channel, that his name might be included in the seniority list of Technical Degree holder cadre. His request was honored by the department and accordingly his name was included in the engineering cadre. He was promoted to the post of Assistant Professor BPS- 18 on the basis of technical cadre without any objection. He further argued that at the time of retirement from service on 19.09.2016, the service length of the appellant in BPS- 18 was 03 years and 06 months while under the rules, 07 years service was required for promotion to BPS- 19. He further argued that only degree holder could be promoted to BPS- 19, if otherwise eligible, while for diploma holder there was no line of promotion to BPS- 19. He requested that the appeal might be dismissed.

6. Through the instant service appeal, the appellant has prayed for proforma promotion to the post of Associate Professor (BS- 19) from the date when that post became vacant. Arguments and record presented before us show that the appellant was promoted and appointed as Lecturer in BS- 17 in the year 1989. At that time he was holding Diploma of Associate Engineering. Later on, he improved his qualification and acquired B.Tech (Hons) Degree in the year 2009 and requested to place his name in the seniority list of degree holder engineers. His request was honoured and his name was duly placed in the seniority list of degree holder engineers from where he was promoted as Assistant Professor, Technical Cadre (BPS- 18) in the year 2013, and placed at



serial no. 40 of the seniority list of Assistant Professors (Degree holders) BS-18. Another request of the appellant to place him again in the seniority list of diploma holders, as it was beneficial for him, was not considered by the respondent department because he had already availed the benefit of promotion while being included in the seniority list of degree holders.

7. Service rules presented before us by the appellant in his service appeal give the method of recruitment for Associate Professor/Principal (Technical Cadre) BS- 19 as follows:-

“(a) Eighty percent by promotion, on the basis of seniority cum fitness, from amongst the Assistant Professors (Technical Cadre) (BPS- 18) having seven years service experience as such with 6 month Technical Teaching Training Course from a recognized Institute with-

- (i) Bachelor’s Degree in Engineering from a recognized University or;*
- (ii) Four years B-Tech (Hons) from a recognized University;*
or
- (iii) Equivalent qualification in the relevant Technology from a recognized University and*

(b) twenty percent by initial recruitment.

8. The abovementioned rules are clear when they state that such officer is to be promoted to the post of Associate Professor who has seven years service experience as Assistant Professor. In case of the appellant, he was promoted to the post of Assistant Professor, Technical cadre on 26.03.2013 and he retired from service on attaining the age of superannuation on 19.09.2016, thus making the total length of service as Assistant Professor less than seven years




and hence he was not qualified for promotion to the post of Associate Professor.

9. In view of the above discussion, the appeal in hand is dismissed being groundless. Cost shall follow the event. Consign.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 17th day of May, 2024.*


(FAREEHA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

FazleSubhan P.S


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SA 636/2018

17th May, 2024 01. Mr. Zartaj Anwar, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, the appeal in hand is dismissed being groundless. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 17th day of May, 2024.*


(FAREEHA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

Fazal Subhan PS

8

07th May, 2024

1. Learned counsel for the appellant present. Mr. Shahab Khattak, Legal Advisor alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. On previous date, absolute last chance was given for arguments but today learned counsel for the appellant is again seeking adjournment. Adjourned but on payment of cost of Rs. 5000/- to be paid by the appellant. To come up for cost of Rs. 5000/- as well as arguments on 17.05.2024 before the D.B. Parcha Peshi given to the parties.

1000/1000
Peshi
Reshawar


(Muhammad Akbar Khan)
Member (Executive)


(Kalim Arshad Khan)
Chairman

26.03.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondent No. 1 & 3 present. Mr. Ali Gohar Durani, Legal Consultant for respondents No.2, 4, 5 & 6 present.

2. Representative of respondent is directed to produce final seniority lists of Lecturer (Electrical) from the year 2010 on the next positively. File to come up for record and arguments on 17.04.2024 before D.B. P.P given to parties.

SCANNED
K.P.S.T
Peshawar
Kaleemullah


(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)

17.04.2024 Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Shahab Khattak, Legal Advisor for the respondents present.

SCANNED
K.P.S.T
Peshawar

Learned counsel for the appellant requested for adjournment. Absolute last opportunity is granted. To come up for arguments. 07.05.2024 before the D.B. P.P given to the parties.


(Fareeha Paul)
Member(E)


(Rashida Bano)
Member (J)

30th Nov, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for respondent No. 1 & 3 present. Mr. Ali Gohar Durrani, Legal Consultant for respondent No. 2, 4, 5 & 6 present.

2. Request for adjournment was made on behalf of both the parties. Adjourned. To come up for arguments on 11.12.2023 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

11.12.2023

1. Junior to counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents No. 1 & 3 present. Mr. Shahab Khattak, Coordinator on behalf of official respondent No. 2, 4, 5 & 6 present.

2. Junior to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Absolute last chance is given to the appellant to argue the case on the next date positively, failing which the case will be decided on the basis of available record without arguments.

Adjourned. To come up for arguments on 08.02.2024 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

kamranullah

08/02/2024.

Due to public Holiday the
the Case is adjourned to 26/03/2024.

kamranullah

08/02/2024.


Due to public Holiday the
the Case is adjourned to 26/03/2024.


08.08.2023

1. Clerk of counsel for the appellant present. Mr. Fazal Shah Mohmand. learned Additional Advocate General for the respondents present.

2. Clerk of counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 02.11.2023 before D.B. P.P given to parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)


*KaleemUllah


02.11.2023

Junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents No. 1 & 3 present. Mr. Shahab Khattak, Legal Consultant for respondents No. 2, 4, 5 & 6 also present.

Junior of learned counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 30.11.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

Naeem Amin


08.06.2023


Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 13.07.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Naeem Amin


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

13th July, 2023

Appellant present in person. . Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Former requested for adjournment due to engagement of his learned counsel before the Honourable Peshawar High Court, Peshawar today. Granted but as last chance. To come up for arguments on 08.08.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman


Fazle Subhan, P.S


16th Nov. 2022 Assistant to counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Former requested for adjournment due to indisposition of learned senior counsel for the appellant. Adjourned. To come up for arguments on 26.12.2022 before the D.B.

SCANNED
KUST
Peshawar


(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)


26.12.2022 Due to winter vacation the case is adjourned to 27/3/2023 before the same.


Reader.

27th Mar, 2023 Appellant in person present. Mr. Muhammad Jan, District Attorney for respondents 1 and 3 and counsel for respondents No. 2,4,5 and 6 present.

Appellant seeks adjournment on the ground that his counsel is not available today. Last chance is give to him to argue the case on the next date positively. To come up for arguments on 08.06.2023 before D.B. P.P given to the parties.



SCANNED
KUST
Peshawar



(Salah Ud Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman

25th July 2022 Appellant in person present. Mr. Naseer-ud-Din Shah,
Assistant Advocate General for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 10.10.2022 before the D.B.




(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

10.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Ali Gohar Durrani, Legal Advisor for respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. To come up for arguments on 14.12.2022 before D.B.



(Farecha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Late Diary
10th Oct, 2022

Despite direction for fixation of the cases for the shortest possible dates, the office has fixed this case for a longer date. The Reader of the court is warned to be careful in future. The date fixed in this case is accelerated to 16 / 11 /2022. Notices be issued to the parties and their counsel for the date fixed.




(Farecha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

15

12.05.2022 Learned counsel for the appellant present. Mr. Naseer Uddin Shah, Assistant Advocate General for the respondents No. 1 & 3 and Mr. Ali Gohar Durani, Legal Advisor for the respondent No. 2, 4, 5 & 6 present.

Both the parties request for adjournment. Adjourned. To come up for arguments on 30.05.2022 before D.B.



(Fareeha Paul)
Member(E)



Chairman

30.05.2022

Counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents No.1 to 4 present. Learned counsel for respondents No.5 & 6 present.

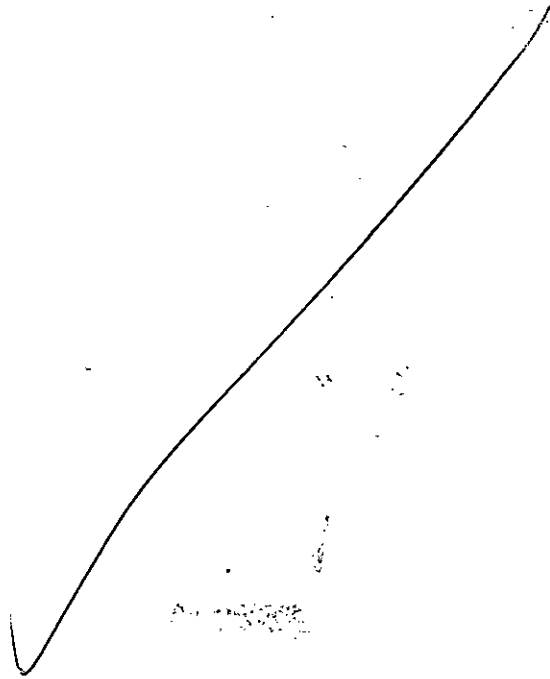
In order to prepare the brief of the case, learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 25.07.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

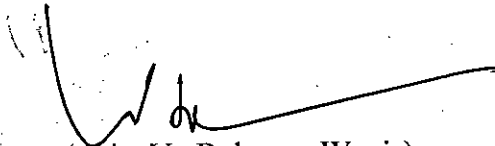


3/11/2022

14.01.2022

Clerk to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for official respondents No. 1 & 3 and Mr. Ali Gohar Durrani, Legal Advisor for official respondents No. 2, 4, 5 & 6 present.

Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is ill. Adjourned. To come up for arguments before the D.B on 11.05.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

11.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for official respondents No. 1 & 3 and Mr. Shahab Khattak, counsel for respondents No. 2, 4, 5 & 6 present.

Arguments of learned counsel for the appellant have been heard. Learned counsel for the respondents No. 2, 4, 5 & 6 requested for adjournment for tomorrow. Adjourned. To come up for arguments before the D.B on 12.05.2022.


(Fareeha Paul)
Member (E)


Chairman

03.08.2021

Counsel for the appellant present.

Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for official respondents No. 1 and 3 and Mr. Ali Gohar Durrani Legal Advisor for respondents No. 2, 4, 5 & 6 present and requested for adjournment to further prepare the brief. Adjourned. To come up for arguments on 07.12.2021 before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)

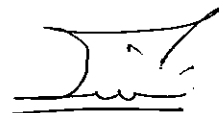


(Rozina Rehman)
Member (J)

07.12.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 & 3 and Mr. Shahab Khattak, Legal Coordinator for official respondents No. 2, 4, 5 & 6 present.

Appellant sought adjournment on the ground that his counsel is busy before the august Peshawar High Court, Peshawar. Adjourned. Case to come up for arguments on 14.03.2022 before the D.B.



(Salah-ud-Din)
Member (J)



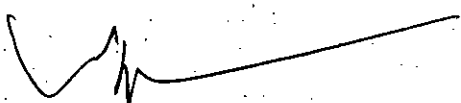
Chairman

09.11.2020

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


The Bar is observing general strike, therefore, the matter is adjourned to 25.01.2021 for hearing before the D.B.


Chairman


(Atiq-ur-Rehman Wazir)
Member (E)


25.01.2021

Due to pandemic of Covid-19, the case is adjourned to 15.04.2021 for the same.


Reader

15.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.


Reader

21.07.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Learned counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 09.09.2020 before D.B.

(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

09.09.2020

Appellant Muhammad Asif himself alongwith Mr. Imran Khan, Advocate are present. Mr. Usman Ghani, District Attorney for the respondents is also present.

Perusal of record reveals that appellant has not provided/furnished Member copy alongwith requisite record. He is directed to make up the deficiency at the earliest before the next date.

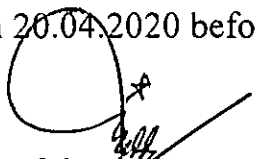
According to learned counsel his senior is busy in the Hon'ble Peshawar High Court, Peshawar, therefore, he requested for adjournment. The appeal is adjourned to 09.11.2020. File to come up for arguments before D.B.

(Mian Muhammad)
Member (Executive)

(Muhammad Jamal Khan)
Member (Judicial)


20.02.2020

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith Legal Advisor present. Adjournment requested. Adjourned To come up for arguments on 20.04.2020 before D.B.


Member


Member

Due to Covid, 19 the case is adjourned. To come up for the same on 17-7-20


Reader

17.07.2020

Due to COVID-19, the case is adjourned for the same on 21.07.2020 before D.B.


Reader

7-10-2019

(21)
Dine to Four of Honble
member to Camp court Swat


The case is adjourned to 16-12-19

Reader

16.12.2019

Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment to furnish recruitment, promotion criteria on the basis of which the appellant was promoted to the post of Assistant Professor. Adjourn. To come up for record/arguments on 20.02.2020 before D.B.


Member


Member

12.02.2019

Clerk to counsel for the appellant present. Learned AAG present. Shahab Khattak Legal Advisor on behalf of respondents No.2, 4, 5 & 6 present and submitted written reply on behalf of the said respondents. Sultan Shah Assistant representative of respondents No. 1 & 3 present and stated that respondents No.1 & 3 rely upon the written reply submitted on behalf of respondents No.2, 4, 5 & 6. Adjourn. To come up for rejoinder/arguments on 30.04.2019 before D.B.


Member

30.04.2019


Clerk to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for arguments on 16.07.2019 before D.B.



Member


Member

16.07.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment Adjourned. To come up for arguments on 07.10.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

30.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Shahab Khattak Coordination (Legal) for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 30.10.2018 before S.B.

MA
(Muhammad Amin Kundi)
Member

30-10-18

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 14-12-2018

Shahab Gul
Reader

14.12.2018

Clerk to counsel for the appellant present. Mr. Shahab Gul, Legal Advisor alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 23.01.2019 before S.B.

MA
Muhammad Amin Khan Kundi
Member

23.01.2019

Clerk to counsel for the appellant present. Written reply not submitted. Shahab Khattak legal Advisor representative of the respondents present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 12.02.2019 before S.B.

MA

Member


13.07.2018

SCANNED
KPST
Peshawar

Counsel for the appellant Muhammad Asif present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Technical Education and Manpower Training Department Khyber Pakhtunkhwa. It was further contended that the appellant was appointed as Lecturer (BPS-17) on the basis of diploma and a seniority list of Lecturers having diploma for the year 2011 was prepared wherein the appellant was shown at serial No. 3. It was further contended that later on the appellant was promoted from the post of Lecturer (BPS-17) to the post of Assistant Professor (BPS-18) vide order dated 26.03.2013. It was further contended that in the year 2014 another seniority list of the Assistants Professors having degree holder was prepared wherein the appellant was shown at serial No. 40. It was further contended that since the appellant was appointed on the basis of diploma and his promotion from the post of lecturer to the post of Assistant Professor was also passed on the basis of diploma therefore, the name of the appellant was illegally converted from the seniority list of Assistant Professors having diploma to the seniority list of Assistant Professors having Degree holders and the same is illegal and liable to be rectified.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter notice be issued to the respondents for written reply/comments for 30.08.2018 before S.B.

Appellant Deposited
Security & Process Fee



MA
(Muhammad Amin Kundi)
Member

(25)

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 636/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11/05/2018	<p>The appeal of Mr. Muhammad Asif resubmitted today by Mr. Zar Taj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 11/5/18</p>
2-	15/05/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/05/18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	30.05.2018	<p>Appellant absent. Learned counsel for the appellant absent. Adjourned. To come up for preliminary hearing 13.07.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

26

The appeal of Mr. Muhammad Asif Ex-Assistant Professor Gvt. College Technical Peshawar received today i.e. on 20.04.2018 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 the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Annexures of the appeal may be flagged.
- 4- Copies orders dated 25.4.2014 and 13.3.2015 mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Copy of impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.
- 6- Page no. 3&4 of the appeal are missing.
- 7- Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 847 /S.T,

Dt. 20/04 /2018.

[Signature]
REGISTRAR - 20/4/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zartaj Anwar Adv. Pesh.

Sis

*All objection is removed as per Substantive
Waste Part is correct*

[Signature]

(27)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SCANNED
KPST
Peshawar

Appeal No. 636 /2018

Muhammad Asif Ex. Assistant Professor Govt College Technical
Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others.

(Respondents)

INDEX

S.No	Description of Documents	Annexure	Page No
1	Memo of Appeal		1-55
2	Addresses of Parties		6
3	Affidavit		7
4	copy of the seniority list 31.12.2011	'A'	8-
5	copy of application dated 06.07.2011	'B'	9
6	copy of the latter for promotion, and proforma specimen	'C & D'	10-13
7	copy of departmental appeal	'E'	14-15
8	copy of the rules	'F'	16-17
9	Other relevant documents	'G'	18-21
11	Vakalatnama		22

Appellant

Through



ZARTAJ ANWAR
Advocate, Peshawar

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 603

Dated 20/4/2018

Appeal No. 636 /2018

Muhammad Asif Ex. Assistant Professor Govt College Technical
Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Director General, Technical Education and Man Power Training Khyber Pakhtunkhwa Peshawar.
3. Govt of Khyber Pakhtunkhwa through Secretary Establishment Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary industries, Commerce & Technical Education Department, Peshawar
5. Chairman Khyber Pakhtunkhwa Technical Education & Vocational Training Authority, Peshawar
6. Board of Directors Khyber Pakhtunkhwa TEVTA, Peshawar through Its Secretary.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 where by the appellant was not promoted to the post of Associate professor BPS-19, and malafidely deprive of his due right of promotion, against which the departmental appeal dated 19.12.2017 has not been responded so far.

Filed to-day

Registrar
20/4/18

Prayer in Appeal:

On acceptance of this appeal the appellant may kindly be considered for Pro Forma Promotion basis w.e.f when the post of associate Professor became vacant and to grant him expeditiously all arrears and benefits without any further delay to the appellant, the appellant was illegal denied promotion to the post of Associate Professor BPS 19, and if any delay that on the part of respondents, the appellant may also awarded all the arrears and back benefits as from the date of promotion as his colleague / juniors were promoted to BPS 19.

OR

Any other remedy deems proper may also be allowed.

Re-submitted to -day
and filed.

Registrar
11/5/18

RESPECTFULLY SUBMITTED:

1. That the appellant was initially appointed in the Department on the post of lecturer BPS 17 on the basis of Diploma in the relevant field and served the department for long more than two decade and retired from service on 19.09.2016.
2. That the appellant while serving the respondent department with great zeal and devotion and hard work by fulfilling all the legal and codal formalities promoted to the post of Assistant Professor BPS 18 vide order dated 26.03.2013 in engineering cadre by the competent authority.
3. That the appellant was promoted to the post of Assistant Professor BPS 18 vide order dated 26.03.2013 in Engineering cadre, but quite illegally not from the list or seniority list of diploma holder, but promoted to the post of Assistant Professor BPS 18 vide order dated 26.03.2013 in Engineering cadre in decree holder list.
4. That the seniority list of Lecturers (Electrical) BPS-17 of diploma holders GCTS/GPIS in the technical education and manpower training department Khyber Pakhtunkhwa stood on 31.12.2011 circulated in which the name of the appellant placed at serial no 3.(copy of the seniority list 31.12.2011 is attached A).
5. That the appellant during his service improve his qualification by acquiring B.Tech (Hons) decree in year 2009.
6. That the respondents wrongly with malafide intention prepare list for promotion to the post of Assistant Professor on the basis of decree holders upon which the appellant submitted application to the competent authority and categorically mentioned that my name is included in list of promotion for the post of Assistant Professor BPS 18 in Engineering cadre on the basis's of decree holders but I am senior most in the penal/seniority list of diploma holders, so

kindly my name may be included in the seniority of diploma holders.(copy of application is attached as annexure B)

7. That the appellant after promotion to the post of Assistant Professor BPS 18 vide order dated 26.03.2013 in engineering cadre placed at the seniority list of Assistant Professor Degree holder, which badly effect the seniority position of the appellant as his name was placed at serial no 40 of the list.
8. That the respondent department issued proforma specimens for the purpose of promotion to the post of associate professor along with which list of seniority table also annex in which the name of the appellant shows at serial no 40.(copy of the latter for promotion and proforma specimen are attached as annexure C & D)
9. That the appellant vide departmental appeal dated 19.12.2017 submitted request to the department that my name was wrongly and with malafide intention included in the list of decree holder which will affect his service career and also I am at the verged of retirement and due to these acts I will be deprived from my legal right of promotion to the post of Associate professor BPS-19.(copy of departmental appeal attached as annexure E)
10. That the appellant for promotion to the post of Associate Professor BPS 19 as being fit and eligible for the post approaches this Hon;able Tribunal inter alia on the following grounds:

GROUNDS OF PETITION:

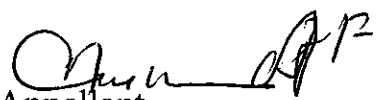
- A. That the appellant has not been treated in accordance with law his rights secured and granted under the law are badly violated. *guaranteed*
- B. That according to the rules for promotion from the post of assistant professor to the post of associate professor "eighty percent by promotion on the basis's of seniority cum fitness, from amongst the assistant professors along with eligibility criteria.(copy of the rules are attached as annexure F)
- C. That in the respondent department the post of associate professor was laying vacant since march 2013 and if the appellant was promoted well on time and also placed at the concerned i.e Diploma holder seniority list to the post of assistant professor, then he would be promoted to the post of associate professor prior to his retirement.
- D. That the appellant was amongst the senior most Assistant Professor in diploma holder list and was fit and eligible for promotion firstly to BPS 18 and then along with others similarly placed colleagues to BPS 19, more over the similarly the junior most from the appellant but having the degree in the field and their names were in the seniority list from the start, so placed at the top of the seniority, and also declared fit for the next promotion BPS 19.
- E. That the respondent department issued proforma specimens for the purpose of promotion to the post of associate professor along with which list of seniority table also annex in which the name of the appellant shows at serial no:40

- F. That the appellant time and again filed the different applications to the department firstly for the purpose of inclusion of appellant name in the list of degree holder and then not promoted to the posts on the time when these posts become vacant, which was not conveyed to the appellant without any reason.
- G. That the appellant after promotion to the post of Assistant Professor BPS 18 vide order dated 26.03.2013 in engineering cadre placed at the seniority list of Assistant Professor Decree holder, which badly effect the seniority position of the appellant as his name was placed at serial no 40 of the list
- H. That since similarly placed/junior employees has been given promotion while the appellant has been denied the same which is highly discriminatory and also against the law.
- I. That the appellant seeks the permission of this Honourable tribunal to rely on additional grounds at the hearing of this appeal.


It is therefore prayed that On acceptance of this appeal the appellant may kindly be considered for Pro Forma Promotion basis w.e.f when the post of associate Professor became vacant and to grant him expeditiously all arrears and benefits without any further delay to the appellant, the appellant was illegal denied promotion to the post of Associate Professor BPS 19, and if any delay that on the part of respondents, the appellant may also awarded all the arrears and back benefits as from the date of promotion as his colleague / juniors were promoted to BPS 19.

OR

Any other remedy deems proper may also be allowed/granted.


Appellant

Through


ZARTAJ ANWAR
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. _____/2018

Muhammad Asif Ex. Assistant Professor Govt College Technical
Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others.

....

(Respondents)

Addresses of Parties

Appellant

Muhammad Asif Ex. Assistant Professor Govt College Technical
Peshawar.

Respondents:

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar.
2. Director General, Technical Education and Man Power Training
Khyber Pakhtunkhwa Peshawar.
3. Govt of Khyber Pakhtunkhwa through Secretary Establishment
Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary
industries, Commerce & Technical Education Department,
Peshawar
5. Chairman Khyber Pakhtunkhwa Technical Education &
Vocational Training Authority, Peshawar
6. Board of Directors Khyber Pakhtunkhwa TEVTA, Peshawar
through Its Secretary.

Appellant

Through



ZARTAJ ANWAR
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. _____/2018

Muhammad Asif Ex. Assistant Professor Govt College Technical
Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others.

(Respondents)

AFFIDAVIT

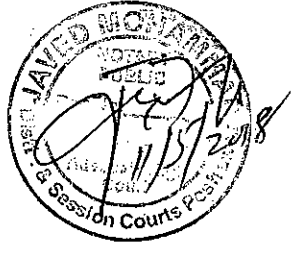
I, Muhammad Asif Ex. Assistant Professor Govt
College Technical Peshawar, do hereby solemnly affirm and
declare that the contents of the above appeal are true and
correct to the best of my knowledge and belief and that nothing
has been kept back or concealed from this Honourable Court.

Ch. Asif
Deponent

Identified by: *Zartaj Anwar*

ZARTAJ ANWAR,
Advocate, Peshawar.

ATTESTED



ANNEX: A 8

PROVISIONAL SENIORITY LIST OF LECTURERS (ELECTRICAL) BPS-17 DIPLOMA HOLDERS GCTS/GPIS IN THE TECHNICAL EDUCATION AND MANPOWER TRAINING DEPARTMENT KHYBER-PAKHTUNKHWA AS STOOD ON 31-12-2011

Sr.No.	Name of incumbent with academic qualification	Date of birth with domicile	Date of Ist entry into Govt. service	Regular appointment/ promotion to the present post			Present appointment	Remarks.
				Date	BPS	Method of recruitment		
1	Mr. Obaidullah, DAE (Electrical)	01-01-1953 DIKhan	18-10-1976	30-05-1984	17	Promotion	Lecturer (Elect), GTVC(B) Hangu, 15-04-2009	-
2	Habib ur Rehman, i) DAE (Elect) ii) B.Tech:(Hons:) iii) TTT Diploma	31-03-1953 Peshawar	29-04-1975	16-02-1986	17	-do-	Lecturer (Elect), GCT Peshawar	-
3	Mr. Muhammad Asif, DAE (Elect) ii) B-Tech (Hons) Elect: iii) Dip: TTT	20-09-1956 Peshawar	04-11-1978	08-10-1989	17	-do-	Lecturer (Elect), GCT Peshawar	-
4	Mr. Abdul Sattar, DAE (Elect) ii) Dip: Tech: Education	16-03-1953 DIKhan	17-10-1977	28-09-1989	17	-do-	Lecturer (Elect), GTI Kalaya, 03-04-2010	-
5	Mr. Hayatullah, DAE (Elect:) ii) Dip: Tech: Education	09-01-1954 DIKhan	17-05-1982	14-10-1990	17	-do-	Lecturer (Elect), GCT DIKhan, 07-11-2002	-
6	Mr. Niáz Ali Sher, DAE (Elect:) ii) Dip: Tech: Education	19-08-1958 Mohmand Agency	07-05- 1984	14-10-1990	17	-do-	Lecturer (Elect), GCT Peshawar, 01-09-2010	-

9

9

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Approved: B

To

The Add; Secretary,

Tech. Education & Manpower Trg:

K.P. Peshawar.

Subject: Promotion to The Post as Asst. Prof. Sv. 18

R/Sir,

We have the honour to state that our names for promotion are in Panel of Degree-Holders, which are seems to be un-beneficial for us.

As we are most Seniors Lecturers (Electrical) on the bases of Diploma Holders

So, it is requested that our names may

kindly be included in Diploma Holders

Panel. It may be for information that retirement

us are in near future. Thanks

Yours obediently

So III Immediate
Please write to DG/TE case to BS-18 to send their promotion with diploma holders as they are on the verge of retirement whereas their senior on Engineering side are still on acting-charge promotion

(i) HABIB-UR-RAHMAN

(ii) MUHAMMAD ASIF

LECTURERS ELECTRICAL
GCT PESHAWAR

7-7-2011

6/7/11



GOVERNMENT OF KHYBER PAKHTUNKHWA,
TECHNICAL EDUCATION & VOCATIONAL TRAINING
AUTHORITY 3-A CHINAR ROAD UNIVERSITY
TOWN, PESHAWAR.



10

NO.KP-TEVTA/HR-I/PROMOTION/B-19/}

Dated ___/___/2016?

To

1. Engr. Nasir Uddin, KPTEVTA (on leave abroad)
2. Engr. Mughal Baz, KPTEVTA
3. Engr. Abdul Hamid, GCT Bannu
4. Engr. Farooq Ahmad, GCT Kohat
5. Engr. Qazi Razi Ud Din, GCT Peshawar
6. Engr. Ikram Ullah, GCT DIKhan
7. Engr. Ghulam Farid, GCT Bannu
8. Engr. Jamal Akbar, GPI Peshawar
9. Engr. Jehanzeb, GCT Peshawar
10. Engr. Ahmad Sayed, GCT Swat
11. Engr. Abid Iqbal, KPTEVTA
12. Engr. Niaz Ali Jan, GCT Bannu
13. Engr. Sher Bahadur, GCT Peshawar
14. Engr. Muhammad Zubair, GCT DIKhan
15. Mr. Muhammad Sadiq, GATTC Hayatabad Peshawar
16. Engr. Muhammad Nazir, GPI Mansehra
17. Mr. Muhammad Kaleem, GCT Peshawar
18. Mr. Raza Ullah, GPI Mardan
19. Mr. Mashal Khan, GTVC (B) Bannu
20. Mr. Ikhtiar Ahmad, GCT Abbottabad
21. Mr. Muhammad Khalid, GCT DIKhan
22. Mr. Nasir Khan, GCT Tangi
23. Mr. Aleem John, GCT Peshawar
24. Engr. Asad Ullah, GPI Takht Bahi
25. Mr. Asif Iltaf, GCT Peshawar
26. Mr. Samiullah Durrani, GCT Peshawar
27. Mr. Muhammad Iqbal, GPI Karak
28. Engr. Mehmood Ahmad, GPI Haripur
29. Engr. Muhammad Imtiaz, GTTC Hayatabad Peshawar
30. Engr. Abdul Jabbar, GCT DIKhan
31. Mr. Syed Javed Iqbal, GTVC (B) Chakdara
32. Mr. Rehmat Ullah, GCT Peshawar
33. Mr. Maqsood Jamal, GCT Peshawar
34. Mr. Ihsanullah, GCT Kohat
35. Mr. Muhammad Ismail, GCT Peshawar
36. Mr. Bazir Khan, GCT Timergara
37. Mr. Masood Jan, GTVC (B) Charsadda
38. Mr. Shah Room, GCT Timergara
39. Engr. Sajawal Shah, GCT Swabi
40. Mr. Muhammad Asif, GCT Peshawar

Subject: SUPPLY OF INFORMATIONS.

I am directed to refer to the subject noted above & to enclose the following prescribed profarmas specimens attached may please be filled accordingly.

1. Panel Profarma (PSB-III).
2. Panel Profarma (PSB-II).
3. Disciplinary proceeding if any and case if any) in any court of law including NAB/Plea bargaining certificate from the respective Principal.
4. 10 Latest photographs duly attested.
5. Teacher training certificate.

You are therefore, requested that the above attached profarmas may be filled; complete in all respect duly signed by the respective officer may please be returned to this office within 07 days of the receipt of this letter. These informations are urgently required in connection with to take up the promotion case with the administrative Department for consideration please.

ATTESTED

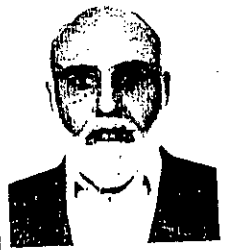
(ENGR: ABID IQBAL)
Deputy Director HR/ADMN
KP-TEVTA

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Approved D

PSB-III

PANEL PROFORMA FOR PROVINCIAL SELECTION BOARD



In respect of MUHAMMAD ASIE

Personal No. 95988

Domicile: <u>PESHAWAR</u>		Service / Group: <u>Provincial</u>		Sen. No. <u>40</u>		
Educational Qualification <u>B.TECH (ELECTRICALS)</u>			Date of Birth <u>20-04-1978</u>	Date of Superannuation <u>17-07-2016</u>		
SERVICE PARTICULARS						
Date of Joining / Service	Date of Promotion In		Length of service		Eligibility for consideration	
	Present Scale <u>BPS 18</u>	Lower Rank <u>BPS 17</u>		Total	In present Scale <u>18</u>	
<u>04/11/1978</u>	<u>26/02/2013</u>	<u>10Y 10M</u>	<u>23Y-04M</u>	<u>34</u> Y <u>09</u> M <u>3</u> D	<u>6</u> M	
Important appointments held in the present Rank / Post:						
<u>(1) Head of Department (DAE Electrical)</u>		<u>(2) Assistant Professor (Electrical)</u>				
<u>(3) Tutor</u>						
Penalties (If any)						
Training Courses (other than mandatory Training) <u>WORK SHOP TRAINING COURSES AT GPI SWAT.</u>						
Number of PERs						
Basic Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks in
<u>17</u>						
<u>18</u>						
Awaited Reports (PERs)				Additional Information (If any)		
EFFICIENCY INDEX						
Required Threshold		Score of PERs + Training Reports		Marks awarded by PSB		Total
Recommendations of PSB						
Promoted		Deferred		Superseded		

Prepared by

Checked by

MUHAMMAD ASIE

PANEL OF OFFICER FOR CONSIDERATION

S. No.	Seniority NO.	Name of officer with qualification	Date of birth	Date of 1 st entry into Govt: service	Date of appointment / Promotion to BS-17	Date of Regular appointment/ Promotion to the present scale	Whether fulfill the prescribed length of service.	Quantified Scores	Missing PERs if any	Disciplinary Proceeding If any	Case (if any) in any court of law including NAB/ Plea bargaining with NAB	Mandatory training for promotion	Research papers	Present posting	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
1	40	MUHAMMAD ASIF B:Tech (Hons)	20/9/1956	4/11/1978	10/1989	26/02/2013				NIR	NIR	TTT Diploma	NIR	GCT Peshawar	

(39)

12/

CHIEF
SECRETARY

13 (40)

CERTIFICATE

Certified that Mr. MUHAMMAD ASIF designation ASSISTANT-PROFESSOR of

Government College of Technology/Polytechnic institute PESHAWAR.

is neither involved in any NAB case nor entered into plea bargaining agreement with NAB authority in the past.

It is further certified that officer concerned is not involved in any disciplinary proceeding /case (if any) in any Court of law.

Agwan

PRINCIPAL 14/12/2016

Govt College of Technology, Peshawar

ATTESTED

[Signature]

To,

The Honourable *Secretary Establishment*

Govt. to Khyber Pukhtun Khwa.

Subject: Requirement of Justice regarding Promotion Issue.

Respected Sir,

Reference: Daily News Paper AAJ (Urdu Version) Peshawar Dated: 11th Nov, 2017.
(Reference Newspaper Attached).

It is stated that I was the employee of Industries Commerce & Technical Education. I retired on 19/09/2016 at the age of sixty in BPS-18.

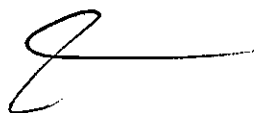
I have appealed several times regarding my promotion issue as under.

1. Application Ref. No. GCT/Pesh/266 dated 22/03/2016.
Managing Director KPTEVTA Peshawar.
Through proper channel before retirement.
2. Application Ref. No. GCT/P.F/554 dated 30/07/2016.
Honourable Secretary Industries Commerce & Technical Education.
Before retirement.
3. Application Ref. GCT/Pesh/P.F/ADMIN/68 dated 19/12/2016.
Managing Director KPTEVTA Peshawar.
Through proper channel when promotion BPS-19 were processed after my retirement.
4. Application Ref. MD Diary No. 1188 dated 06/03/2017.
Advised by RTI Commission to Managing Director KPTEVTA Peshawar for Information of Promotion.
5. Application complaint to RTI Commission Peshawar complaint No. 03238 dated 30/03/2017 for promotion information.
RTI Peshawar Decision
Ref. Letter Endst No date RTIC/AR/1-3238/17/10423-24 dated October, 2017.
6. Application dated 12/09/2017
Honourable Chief Secretary
Govt. to Khyber Pukhtun Khwa
Copy for Information Ref ICTD-10646 dated 13/09/2017
Honourable Secretary
Govt. to Khyber Pukhtun Khwa Industries Commerce & Technical Education.

Sir,

Four posts of BPS-18 (Assistant Professor) diploma Cadre were vacant since long but promulgated in 2010. My name was on serial no. 03 in the diploma seniority cadre. I was excluded from seniority list of diploma cadre and included in the seniority of engineering cadre in the bottom i.e. serial no. 40.

ATTESTED



SSR
20/12/17

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Ps / Secy (E) E & AD

Diary No. 2725/16

Dated 19-12-2017

My crime was B.Tech (Hons) degree in Feb/2009 in the age of fifty-two which benefited the students. In return, I was deprived from promotion to BPS-18 in the diploma cadre. (Diploma Seniority list 2011 & Application of Request for Promotion BPS-18 Enclosed).

Although the promotions of various cadres were allowed (precedents exist in the official record of KPTEVTA Peshawar). (Required application of diploma cadre attached).

I was promoted to BPS-18 dated 26/03/2013 in Engineering Cadre. I was restrained from legal right of promotion for four years. The service rules of 2013 and seniority of 2016 were manipulated. The service rule of 2013 (i.e. Twelve year service in BPS-17 and above) was deliberately deleted from service rules in 2015. (Service rules 2013/2015 enclosed).

In 2016 the combined seniority of GPI/GCT and GTVC Engineers were prepared. The emerged GTVC engineers were brought up top of the seniority list in 2016 and the genuine employee of GPI/GCT's were brought down to bottom on **serial number 40**. The seniority 2016 for BPS-18 (Engineering Cadre) was discriminatory and clear violation of seniority rules. (Seniority list 2016 enclosed).

I was eligible for promotion to BPS-19 according to service rules 2013 because I served twenty four years in BPS-17 as a lecturer in diploma cadre (wef 1989-Feb/2013).

If I was not deprived of my legal right of promotion to BPS-18 in diploma cadre, I would have definitely been entitled to be promoted to BPS-19 according to service rules 2015.

According to reliable source several posts of BPS-19 were vacant wef March/2013-Sept/2016. (Advised panel Performa for Provincial Selection Board PSB-III Attached).

I was unlawfully deprived of my legal right of promotion at the verge of my retirement therefore it is appealed to provide justice.

Thank You.

Yours Sincerely

Date: 19/12/2017

Muhammad Asif

Ex. Assist. Professor

GCT, Peshawar

Cell # 0331-9038430

Secy (E) Estab
D. no vice received

[Signature]
19-12-2017

ATTACHED

16

Amended: F

APPENDIX

APPOINTMENT, PROMOTION AND TRANSFER RULES FOR THE TEACHING CADRE STAFF OF THE GOVT. COLLEGES OF TECHNOLOGY, GOVT. POLYTECHNIC INSTITUTES, GOVT. TECHNICAL TEACHERS TRAINING COLLEGE, GOVT. TECHNICAL INSTITUTES, (MALE & FEMALE) OF THE DIRECTORATE GENERAL, TECHNICAL EDUCATION & MANPOWER TRAINING, KHYBER PAKHTUNKHWA / FATA

(ENGINEERING EDUCATION STREAM)

Sr.No	Nomenclature of the post	Minimum required qualification for initial recruitment	Age for initial recruitment	Method of recruitment
(1)	(2)	(3)	(4)	(5)
1	Professor / Principal (Technical Cadre) BPS-20 GCTs / GPIS			By promotion on the basis of selection on merit from amongst the Principals/Associate Professors (Technical Cadre) BPS-19 with at least seventeen years service in BPS-17 and above or twelve years service in BPS-18 and above or five years service in BPS-19 and successful completion of mandatory training of not less than three months as prescribed by the Government for such category of teachers from time to time.
2	Professor (Related Studies)(BPS-20) GCTs / GPIS			By promotion on the basis of selection on merit from amongst the Associate Professors (Related Studies) BPS-19 with at least seventeen years service in BPS 17 and above or twelve year service in BPS-18 and above or five year service in BPS-19 and successful completion of mandatory training of not less than three months as prescribed by the Government for such category of teachers from time to time.
3	Principal/Associate Professor (Technical Cadre)BPS-19 GCTs / GPIS / GTTTCs / GTIS	(i) Ph.D in Engineering / Tech: in the relevant Technology from a recognized university with five years Teaching / Professional experience or	30 to 45 years	a) Eighty percent by promotion on the basis of seniority, cum fitness from amongst the Assistant Professors (BPS-18) (Technical Cadre) having: i. Bachelor Degree in Engineering or Its equivalent qualification from recognized University or ii. B-Tech (Hons) Degree or its equivalent qualification from recognized University and six months Teaching / Management Training with twelve years service in B-17 and above or seven years service in B-18.

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ATTESTED

2013

17
49

2015

APPENDIX

S. No.	Nomenclature of the post.	Minimum required qualification for appointment.	Age limit.	Method of recruitment.
1	2	3	4	5
1.	Professors / Principal (Technical Cadre) (BPS-20).	---	---	By promotion, on the basis of selection on merit, from amongst the Associate Professors and Principals (Technical Cadre) (BPS-19) with at least seven years service as such.
2.	Professor (Basic Sciences and Humanity Group) (BPS-20).	---	---	By promotion, on the basis of selection on merit, from amongst the Associate Professors (Basic sciences & Humanity Group) (BPS-19) with seven years as such.
3.	Associate Professor // Principal (Technical Cadre) (BPS-19).	<p>(i) Ph.D in the relevant technology from a recognized University with five years teaching or professional experience; or</p> <p>(ii) Master's Degree in relevant technology from a recognized University with twelve years teaching or professional experience.</p>	30-45 years.	<p>(a) Eighty percent by promotion, on the basis of seniority cum fitness, from amongst the Assistant Professors (Technical Cadre) (BPS-18) having <u>seven years service experience as such</u> with 6 month Technical Teaching Training Course from a recognized Institute with-</p> <p>(i) Bachelor's Degree in Engineering from a recognized University or;</p> <p>(ii) <u>four years B-Tech (Hons)</u> from a recognized University; or</p> <p>(iii) equivalent qualification in the relevant Technology from a recognized University; and</p> <p>(b) twenty percent by initial recruitment.</p>

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06/4/15
Assistant Secretary
Law and Public Administration Department
Govt. of K.P.A.

3.1
Section Officer III
Public Administration
Govt. of K.P.A.
22/4/15

A

SATISFIED

17.5.2015





18
APPROVED: 45
9

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SOR-VI/E&AD/1-16/2011
Dated Peshawar, the 25th September, 2012

To

1. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.
8. Registrar Peshawar High Court, Khyber Pakhtunkhwa.

Subject:

INSTRUCTIONS ON WELL DEFINED SERVICE STRUCTURE AND FAIR CHANCES OF PROMOTION.

Dear Sir,

I am directed to refer to the judgement of the Peshawar High Court in writ Petition No.44/2011/ dated 07-02-2012 on the subject and to state that it is the responsibility of the Administrative Departments in the light of Rule 3(2) of Government of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989, to ensure that a well defined service structure for all employees exist with fair chances of promotion. However in some of the departments and attached departments this responsibility is not being properly discharged.

2. The Provincial Government therefore has been pleased to issue the following policy instructions:-

- i) All the Administrative departments and attached departments shall look into the service structures of all their employees to ensure that no discrimination exist in service rules of similarly placed cadres/posts and fair promotion chances to different sections of employees are provided therein.

ATTESTED

ii) In order to ensure improvement in service delivery, promotion may be linked to performance and tangible targets of achievements and where possible, performance should be clearly assessed.

iii) All the Administrative Departments and their subordinate/attached departments may expedite all pending promotion cases.

Yours faithfully

NAJ MUS SAHAR

(NAJ MUS SAHAR)
SECTION OFFICER (REG-VI)

Copy forwarded to:-

- 1) All Additional Secretaries in Establishment and Administration Department.
- 2) All Deputy Secretaries in Establishment and Administration Department.
- 3) PS to Chief Secretary, Khyber Pakhtunkhwa.
- 4) PS to Secretary Establishment.
- 5) PS to Special Secretary Establishment.
- 6) All Section Officers Establishment and Admin Department.

NAJ MUS SAHAR

SECTION OFFICER (REG-VI)

1. The Additional Chief Secretary, Planning & Development

To

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
No. SOR-VI/EGAD/1-16/2011
Dated Peshawar, the 25th September, 2012





18 (48)
GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL EDUCATION
DEPARTMENT

SUMMARY FOR THE CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject: EXTENDING THE FACILITY OF REVISED FOUR-TIER FORMULA IN FAVOUR OF THE TEACHING STAFF OF TECHNICAL EDUCATION & MANPOWER TRAINING, DEPARTMENT

The Finance Department, Government of Khyber Pakhtunkhwa has revised the ratio of four tier formula from 1:15:34:50 to 5:20:37:38 in favour of College Teachers of the Higher Education Department, Khyber Pakhtunkhwa vide Finance Department letter No. BOV/FD/1-20/2009/Four Tier Colleges dated 15th July, 2012 (Annex-I).

2. Technical / Commerce Education and Vocational Training is the key element in promotion of economic activities of the country. The present Government has considered the Technical Education & Vocational Training as priority sector for economic development and prosperity of the people of the country in general and for the Province of Khyber Pakhtunkhwa in particular. The Provincial Government of Khyber Pakhtunkhwa has approved various developmental schemes and special initiatives for extending facilities of Technical Education & Vocational Training for poor youth in rural areas of the Province. The planned objectives of TEVT Sector will be achieved if the Institutions are equipped with the desired level of teaching faculty.

3. Stream-wise existing position of the sanctioned posts and revised position of the posts in BPS-17 and above of the colleges / institutions working under the Directorate General Technical Education & Manpower Training, Khyber Pakhtunkhwa is as under:

GOVT: COLLEGES OF TECHNOLOGY/ POLYTECHNIC INSTITUTES

GCT/GPI/GTTC	Existing Position					Revised Position					Total Addition				
	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total
Engg. Subjects (Male)	10	76	119	247	452	23	90	167	172	452	13	14	48	-75	00
Basic Sciences & Humanities Subjects (Male)	01	20	39	86	146	07	29	54	56	146	06	09	15	-30	00
GPI (Female)	01	05	08	29	43	02	09	16	16	43	01	04	08	-13	00
G- Total	12	101	166	362	641	32	128	237	244	641	20	27	71	-118	00

GOVT: COLLEGES OF COMMERCE & MANAGEMENT SCIENCES

GCMS/GCC	Existing Position					Revised Position					Total Addition				
	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total
(Male)	09	82	148	232	471	24	94	174	179	471	15	12	26	-53	00
(Female)	00	02	00	14	16	01	03	06	06	16	01	01	06	-08	00
G- Total	09	84	148	246	487	25	97	180	185	487	16	13	32	-61	00

Continued

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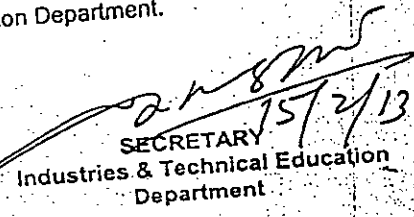
GOVT: TECHNICAL AND VOCATIONAL CENTERS

	Existing Position					Revised Position					Total Addition				
	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total	B-20	B-19	B-18	B-17	Total
GTVC/GATTC (Male)	00	02	15	84	101	05	20	37	39	101	05	18	22	-45	00
GTVC (Female)	00	00	01	19	20	01	04	07	08	20	01	04	06	-11	00
G-Total	00	02	16	103	121	06	24	44	47	121	06	22	28	-56	00

4. The detail of total additional posts in various scales and budget required will be as under:

Sr. No	BPS	No of Additional Posts	Additional Budget required	Remarks
1.	21	02	1887456 per year	There will be total 42-posts in B-20; in the DGTE&MT, therefore, it is essential to create at least two posts in BPS-21 for promotion of B-20 officers as per pattern in other sister departments.
2.	20	42	40,06600 per year	
3.	19	62	50,60888 -do-	
4.	18	131	72108068 -do-	
5.	17	-235	-83686740	
TOTAL		0	81274272	

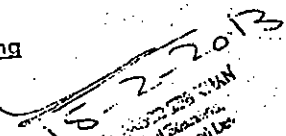
5. The Chief Minister, Khyber Pakhtunkhwa is requested to approve the revision of the ratio of the four tier formula from 1:15:34:50 to 5:20:37:38 and upgradation of 1249 posts in BPS-17 and above as per detail given in para-3 above for the teachers of Colleges / Institutions of Directorate General, Technical Education & Manpower Training to bring them at par with the college teachers of Higher Education Department.


SECRETARY
 Industries & Technical Education
 Department

6. Minister for Technical Education & Manpower Training

Secretary, Finance Department

Chief Secretary, Khyber Pakhtunkhwa


 15-2-2013
 MINISTER FOR TECHNICAL EDUCATION & MANPOWER TRAINING
 KHYBER PAKHTUNKHWA

Minister to Chief Minister, Khyber Pakhtunkhwa

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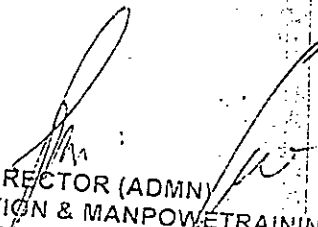
47

Strengths of Engineer and Basic Sciences & Humanity Teaching staff in each Tier.

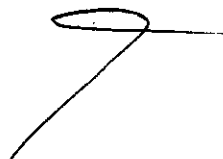
S. No.

- 1
- 2
- 3
- 4

BPS-	Strength of Engineers Cadre	Basic sciences & Humanity Cadre
20	10	01
19	80	20
18	112	42
17	119	83
Total	321	146


DEPUTY DIRECTOR (ADMN)
TECHNICAL EDUCATION & MANPOWER TRAINING
KHYBER PAKHTUNKHWA

ATTESTED



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DIRECTORATE GENERAL OF TECHNICAL EDUCATION
AND MANPOWER TRAINING, KHYBER PAKHTONKHWA,
PESHAWAR

SANCTIONED POSTS OF BASIC SCIENCES & HUMANITIES AND ENGINEER/
B.TECH. TEACHERS IN GOVT. COLLEGES OF TECHNOLOGY/GOVT.
POLYTECHNIC INSTITUTES/GTVCS

S. No	NOMENCLATURE OF POSTS	BPS	SANCTIONED POSTS OF BASIC SCIENCES & HUMANITIES TEACHERS	SANCTIONED POSTS OF ENGINEER / B.TECH TEACHERS
1	Lecturer	17	83	119
2	Assistant Professor	18	42	112
3	Associate Professor	19	20	80
4	Professor	20	01	10
	Total		146	321

(MUNIR GUL)
DEPUTY DIRECTOR (ADMN)

ATTESTED

POWER OF ATTORNEY

In the Court of ICPIC Service Tribunal Peshawar

Muhammad Asif

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt D P K and others.

} Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

ZARAJ ANWAR ADVOCATE, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Muhammad Asif
Muhammad
Mukasaal Chaudhary
Adil
Peshawar

Zaraj Anwar
Zaraj Anwar
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3-4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0331-9399185

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 636/2018

Muhammad Asif (Ex-Assistant Professor).....APPELLANT.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa and others.....**RESPONDENTS**

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3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 636/2018

Muhammad Asif (Ex-Assistant Professor).....APPELLANT.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa and others.....**RESPONDENTS**

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- A- That the appeal is badly time barred
- B- That the appellant has no cause of action.
- C- The appellant has not come to the Tribunal with clean hands.
- D- The appeal is bad for non-joinder and mis joinder of parties.
- E- That the Directorate General of Technical Education and Manpower Training Khyber Pakhtunkhwa has, by law, been converted into the head office, and brought under the control of, Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (K P TEVTA), with Managing Director as its administrative head. The name of respondent No. 4, therefore, needs to be changed in the appeal accordingly.
- F- The appellant is legally estopped for his own conduct.

ON FACTS

- 1) It is incorrect. The perusal of the personal file of the appellant transpires that he was appointed as Trade Instructor BPS-11 on 14.11.1978, having 03 years post matric Diploma of Associate Engineering. He was further allowed BPS-14 on 4.11.1980. He was later on allowed selection grade in BPS-16 and then promoted to BPS-17 on 7.10.1989.
- 2) It pertains to record.
- 3) It is an incorrect and misleading statement. After passing the B-tech honor Degree course, the appellant forwarded a request through proper channel that his name may be included in the seniority list of Technical Degree holder cadre Annexure-A. His request was honored by the department and accordingly his name was included in the engineering cadre. It is pertinent to state that the appellant was promoted to the post of Assistant Professor BPS-18 on the basis that Technical cadre. The appellant availed his promotion without any objection.

dt. 19-2-2009

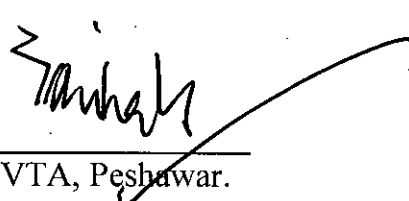
- 4) As explained in above para-3 ibid.
- 5) It is correct with further clarification that after improving his qualification the appellant submitted an application for the inclusion of his name in the seniority list of Engineers (Degree holders), as stated in the preceding para.
- 6) It is absolutely incorrect and misleading. The respondents had no mala fide intention by preparing list of promotion to the post of Assistant Professor on the basis of degree holder as explained in the preceding paras. The appellant's seniority was changed from diploma holder to degree holder on his own request. In his 2nd application he requested to include his name in diploma holder panel as it seemed to be un-beneficial for him to have his name in the panel of Degree holder at the time of promotion. The mala fide intentions of the appellant are evident and proved here.
- 7) As per the request of appellant his cadre was changed and he was accordingly promoted in that cadre. The seniority position of the appellant was placed accordingly.
- 8) It pertains to record.
- 9) It is absolutely incorrect. The appellant's application for the inclusion of his name in the seniority list of engineers available on record evidently shows that his name was included in the said list on his own request and not by the department wrongly or with mala fide intention.
- 10) It is incorrect. While retiring from service on 19.9.2016, the service length of the appellant was 03 years and 06 months in BPS-18, while there is mandatory requirement of 07 year service in BPS-18 for further promotion to BPS-19 as prescribed in the Service Rules concerned for this reason his case was not matured even on acting charge basis after availing promotion in BPS-18 on 26.3.2013, he was placed at Sr: No.40 of the seniority list of assistant professor (degree holder) BPS-18.

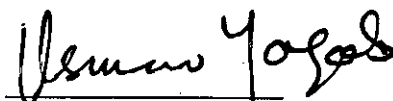
It is pertinent to mention that only degree holder can be promoted to BPS-19 if otherwise eligible while for diploma holder there is no line for promotion to BPS-19.

ON GROUNDS

- A) Ground "A" of the appeal, is incorrect. The appellant was treated according to law.
- B) Regarding ground "B" of the appeal proves the mala fide intention of the appellant himself. The promotion Rules which has been annexed by the appellant is for the engineering cadre where there is a line of promotion from BPS-18 to BPS-19. Whereas, the appellant is also lamenting that his name is wrongly included in the seniority list of engineering cadre.
- C) Ground "C" of the appeal is absolutely incorrect. The appellant has been promoted will in time. Moreover, it is pertinent to mention that there is no line of promotion to BPS-19 for the Diploma holders.
- D) Ground "D" of the appeal as explained in the preceding paras.
- E) Ground "E" of the appeal as explained in the preceding paras.
- F) Ground "F" of the appeal is also incorrect. All the application have been answer and communicated to the appellant at Annexure-.
- G) Ground "G" of the appeal as explained in the preceding paras.
- H) Ground "H" of the as explained in the preceding paras.
- I) The respondents seek permission to raise additional ground at the time of arguments.

It is, therefore, humbly prayed that the appeal may be dismissed with cost.

RESPONDENT NO.2) 
 Managing Director KP-TEVTA, Peshawar.

RESPONDENT NO.4) 
 Secretary Industries, Technical Education
 Khyber Pakhtunkhwa, Peshawar.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 636/2018

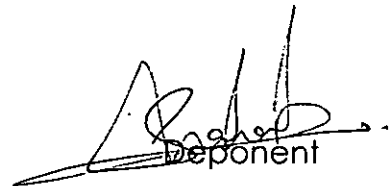
Muhammad Asif (Ex-Assistant Professor).....APPELLANT.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa and others.....**RESPONDENTS**

AFFIDAVIT

I Shahab-ud-Din Khattak, Legal coordinator, KP-TEVTA, on behalf of respondents do hereby solemnly affirm and confirm that the contents of the connected reply is true and correct to the best of my knowledge and belief and nothing has been concealed from this august court.


Deponent

17301-6527091-5

(55)
OFFICE OF THE PRINCIPAL,
GOVERNMENT COLLEGE OF TECHNOLOGY,
PESHAWAR.

Annex A

No. GCT/Pesh/PF/ 245

Dated 23 th February/2009

To

The Director General,
Technical Education & Manpower Trg.,
NWFP., Peshawar.

Subject:- PASSED RESULT OF B.TECH(HONS) ANNUAL
EXAM: 2009.

Enclosed please find herewith an application
submitted by Mr. Muhammad Asif, Lecturer (Electrical) of this
college which is self explanatory for further necessary action.

Muhammad
PRINCIPAL.

DD Adm
P Check under Rules.
ll
24/2

1133/137
1132
24-2-09

[Signature]
24/2

2-26

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To

Director General
Manpower & Technical Education
NWFP Peshawar

Subject: PASSED RESULT OF B-TECH (HONOURS) ANNUAL
EXAMINATION 2009

R/Sir

Respectfully it is stated that I have passed the B-tech (Hons) degree course. The result declared on dated 11 Feb 2009. There fore my name may kindly be included in the seniority list of Engineers. My B-tech (Hons) provisional certificate is herewith attached for ready reference.

Thank you

Dated 19 Feb 2009

Yours Truly,


Muhammad Asif

Lecturer (Electrical)

Government College of Technology Peshawar.



**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 636/2018

Muhammad Asif Ex. Assistant Professor Govt College
Technical Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others.

(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Preliminary Objections:

- a. Contents incorrect, the appeal is well within time.
- b. Contents incorrect and misleading, because the appellant remained in the employment of the Department, hence he has got necessary cause of action and locus standi.
- c. Contents incorrect and misleading, the appellant has approached this Hon;able Tribunal with clean hands.
- d. Contents incorrect and false. All necessary parties are arrayed as parties in the instant appeal.
- e. Contents incorrect and false.

ON FACTS:

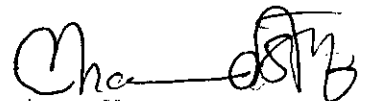
1. Contents needs no comments, however, the respondents have clarified the position of the appellant that he has been appointed on Diploma of Associate Engineering , moreover the contents of Para 1 of the appeal is true and correct.


2. Contents needs no comments, hence however, contents of Para 2 of the appeal is true and correct.
3. Contents needs no comments, hence however, contents of Para 3 of the appeal is true and correct.
4. Contents of Para 4 needs no comments, however contents of Para 4 of the appeal is true and correct.
5. Contents of Para 5 of the needs no comments, however, contents of Para 5 of the appeal is true and correct..
6. Contents of Para 6 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading.
7. Contents of Para 7 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading.
8. Contents of Para 8 of the Appeal are correct.
9. Contents of Para 9 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading.
10. Contents of Para 11 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, detailed reply has been given above.

Grounds of appeal:

Grounds (A) to (I) taken in the Memo of this Appeal are legal and will be substantiated at the time of hearing of this Appeal.

It is, therefore, prayed that on acceptance of this *Service Appeal*, may please be accepted as prayed for.


Appellant

Through 
ZARTAJANWAR
Advocate Peshawr

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 636/2018

Muhammad Asif Ex. Assistant Professor Govt College
Technical Peshawar.

(Appellant)

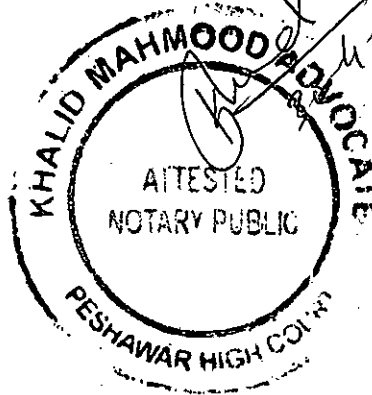
VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others.

(Respondents)

Affidavit

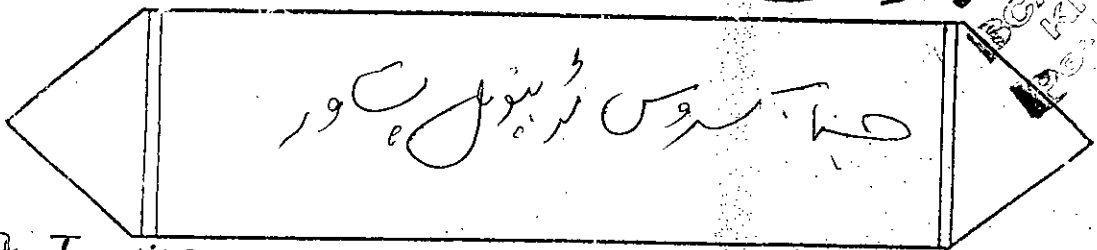
I, do hereby solemnly affirm and declare that the
contents of the *above Rejoinder* are true and correct and
that nothing has been kept back or concealed from this
Honourable Court.



Cha [Signature]
Deponent

17301-7532196-5

بعدالت



T-Edu department سندھ پنجاب
محمد آصف بنام گورنمنٹ

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام سور کیلئے علی گوہر دورانی شہادت اور کسب
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کاس اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعوی اور
 بسورت ڈگری کرنے اجراء اور صولی چیک در و پیا عرضی دعوی اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 16/07/2019ء ماہ 20

بمقام وکیل
 Ali Gohar Durrani
 Advocate