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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO

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Azam Khan vs Gov of KPK

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Muharrir Compilation

Incharge Judicial Branch

(3) (S) J-49

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No. _____/2019

Engineer Ziarat Khan and others.....Petitioners

V E R S U S

Government of Khyber Pakhtunkhwa & Others.....Respondents

ADDRESS OF PARTIES

Petitioners:

1. Engineer Ziarat Khan, Commissioner Mines (BPS-19)
2. Engineer Mian Farooq Iqbal, Deputy Chief Inspector of Mines (BPS-19)
3. Engineer Mustafa Kamal, Director Licensing (BPS-19)
4. Engineer Fazli Wahid, Additional Director General Mines & Minerals (BPS-19)
5. Engineer Fazli Raziq, Chief Inspector of Mines (BPS-19)
6. Engineer Fazal Hussain, Director Planning & Mine Development Cell (BPS-19)
7. Engineer Yaqoob Nawaz, Director Licensing (BPS-19)
8. Engineer Syed Mujahid Ali Shah, Director Training (BPS-19)
9. Engineer Irshad Khan, Director Licensing (BPS-19)
10. Engineer Muhammad Zulkifal Khan, Deputy Director Technical (BPS-18)
11. Engineer Ishfaq Ahmad Saleem, Deputy Director Technical (BPS-18)
12. Engineer Siraf Ahmad Khan, Deputy Director Technical (BPS-18)
13. Engineer Hayat Ur Rehman, Deputy Director Technical (BPS-18)
14. Engineer Muhammad Tahir, Deputy Commissioner Mines (BPS-18)
15. Engineer Aamir Muhammad, Senior Mineral Processing Engineer (BPS-18)
16. Engineer Asmat Ali, Assistant Director (Technical) (BPS-17)
17. Engineer Kamran Ahmad, Assistant Director Mining Engineer (BPS-17)
18. Engineer Ihsan Ullah, Instructor (BPS-17)
19. Engineer Bilal Khan, Assistant Commissioner Mines (BPS-17)
20. Engineer Qasim Jamal, Deputy Director (Technical) (BPS-17)
21. Engineer Jalal Rasool, Assistant Director (BPS-17)
22. Engineer Mohsin Khan, Assistant Director (Technical) (BPS-17)
23. Engineer Ihsan Ud Din, Assistant Director (Technical) (BPS-17)
24. Engineer Bashir Ahmad, Assistant Director (Technical) (BPS-17)
25. Engineer Muhammad, Tahir Assistant Director (Technical) (BPS-17)
26. Engineer Falak Zaman, Assistant Director (Technical) (BPS-17)
27. Engineer Majid Ali Khan, Assistant Director (Technical) (BPS-17)
28. Engineer Naveed Iqbal, Assistant Director (Technical) (BPS-17)
29. Engineer Zulfiqar Ahmad, Assistant Director (Technical) (BPS-17)
30. Engineer Rehman Ud Din, Assistant Director (Technical) (BPS-17)
31. Engineer Umair Ul Hassan, Mineral Development Officer (Technical) (BPS-16)
32. Engineer Salman Jaleel, Assistant Commissioner Mines (BPS-17)
33. Engineer Rahman Ullah, Assistant Commissioner Mines (BPS-17)

TESTED
EXAMINER
Peshawar High Court

107

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1900/2022

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

Mr. Mir Azam Khan Assistant Accountant (BPS-16) Treasury
Establishment, Finance Department, Peshawar.(Appellant)

Versus

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Ayub Ur Rehman, Assistant Treasury Officer BPS-17, Office of the
District Accounts Officer, Bannu and 6 others.(Respondents)

Mr. Taimur Ali Khan,
Advocate

... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney

... For official respondents

Date of Institution..... 22.12.2022

Date of Hearing..... 25.04.2024

Date of Decision..... 25.04.2024

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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 against the order dated 29.11.2018 whereby the private respondents No. 04 to 10, despite being junior to the appellant, were promoted to the post of Assistant Treasury Officer (BPS-17) and against the order dated 17.12.2022 whereby the departmental appeal of the appellant was rejected. It has been prayed that on acceptance of the appeal, the impugned orders might be set aside and the respondents be directed to consider the appellant for promotion to the post of Assistant Treasury Officer BPS- 17 from the date



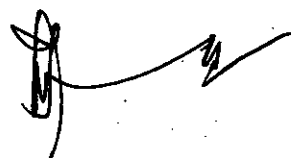
when his junior colleagues were promoted, alongwith any other remedy which the Tribunal deemed appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed in the year 1990, while private respondent No. 4 was appointed in the year 1993, respondent No. 5 in the year 1988, respondents No. 6, 7 and 8 in the year 1995 and respondents No. 9 and 10 were appointed in the 2004. The appellant was at Serial No. 62, while the private respondents No. 4, 5, 6, 7, 8, 9 and 10 were at serial No. 78, 85, 90, 92, 99, 125 and 129 respectively in the seniority list as on 31.12.2017, issued on 15.01.2018, of Assistant Accountants (BPS- 16), meaning thereby that the appellant was senior to private respondents No. 4 to 10. The respondent department issued the rules on 10.08.2018, wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer was mentioned as sixty percent (60%) by promotion on the basis of seniority cum fitness from amongst the Assistant Accountants, who had qualified PIPFA or SAS examination. The appellant had passed the SAS exam alongwith other officials on 15.01.2018. Private respondents No. 4 to 10 were promoted to the post of Assistant Treasury Officer (BPS-17) vide order dated 29.11.2018, while the appellant, despite being senior to respondents No. 4 to 10, was deprived from his legal right of promotion to the post of Assistant Treasury Officer (BPS- 17) by the respondent department. The departmental appeal against the impugned order was not responded within the statutory period of ninety days. After the stipulated period of ninety days, the appellant filed service appeal No. 952/2019 in the Service Tribunal and during the



proceedings of the case, the respondent department submitted the comments in which they relied on the judgment dated 16.07.2009 of the Tribunal passed in service appeal No. 301/2009 and other connected appeals as the Tribunal disposed of those appeals with certain observations about framing of fresh rules of the department and mentioned that the vacancies of SAS qualified Assistant Accountants should be filled through them on the basis of their seniority fixed with respect to the dates of their passing of SAS examination and not on their simple seniority as Assistant Accountants. When the rules were proposed, certain observations were made by the Law Department vide letter dated 13.04.2010. When the rules were framed and notified on 10.08.2018, the Establishment Department through its letter dated 16.01.2020 to the Finance Department mentioned that the case had been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 were quite clear and there was no need of further amendments in the said Rules. The Service appeal of the appellant was heard and disposed of on 17.10.2022 with the directions to the appellate authority to decide the departmental appeal of the appellant through a speaking order within the period of one month of the receipt of copy of that judgment but the appellate authority rejected the departmental appeal of the appellant on 07.12.2022; hence the instant service appeal.


3. Respondents were put on notice. The official respondents submitted their joint parawise comments on the appeal while private respondent No. 4 to 10 were placed ex-parte vide order sheet dated 16.02.2023. We heard the



learned counsel for the appellant as well as learned Deputy District Attorney for the official 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 impugned order dated 29.11.2018 and rejection order dated 07.12.2022 was against the law, facts, norms of justice and material on record, therefore, not tenable in the eyes of law and liable to be set aside. The appellant was senior to the private respondents in the seniority list as on 31.12.2017 but they were promoted to the post of Assistant Treasury Officer while he had been discriminated. He further argued that the department notified the rules on 08.12.2018 wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer was mentioned as Sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who had qualified PIPFA or SAS examination without mentioning in the rules that seniority of Assistant Accountant would be fixed with respect to the dates of their passing of SAS examination, which meant that the post of Assistant Treasury Officer/Sub Treasury Officer would be filled on the basis of seniority cum fitness from amongst the Assistant Accountants who had qualified PIPFA or SAS examination. The appellant had good service record but was deprived of his legal rights while his juniors were promoted in violation of law and rules. 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 private respondents were



promoted earlier than the appellant to the post of Assistant Treasury Officer/Sub Treasury Officer in the light of judgment dated 16.07.2009 of the Service Tribunal. He further argued that the respondent department had been amending its service rules of 1981 from time to time without affecting the laid down criteria of promotion of the appellant as well as private respondents. As far as passing of SAS exam of the appellant was concerned, his seniority on the basis of said qualification was intact and he would be promoted on his own turn in 60% quota. He further argued that departmental appeal of the appellant was examined and regretted, being contrary to the decision dated 16.07.2009 of the Service Tribunal. He requested that the appeal might be dismissed.

6. Arguments and record presented before us transpire that the appellant is Assistant Accountant in the Treasuries and Accounts attached with the provincial Finance Department and stood at sr. no. 62 of the seniority list as on 31.12.2017. He has impugned a promotion order dated 29.11.2018 before this Tribunal vide which his colleagues, junior to him in the seniority list of 2017, were promoted to the post of Assistant Treasury Officer but he was not considered for that promotion. The reason stated by the respondents before us was that he had not qualified the SAS examination which was a prerequisite for promotion. They referred to a judgment of this Tribunal dated 16.07.2009 in a service appeal no. 301/2009 according to which "the vacancies of SAS qualified Assistants shall be filled through them on the basis of their seniority fixed with respect of the dates of their passing of the SAS examination, and not on their simple seniority as Assistant



Accountants.” According to them, the promotions were made in the light of service rules read with the judgment dated 16.07.2009 of Service Tribunal.

7. Coming to the service rules notified on 10.08.2018, rules no. 6 is reproduced as follows:-

Assistant Treasury Officer/
Sub-Treasury Officer.

- (a) Sixty per cent by promotion, on the basis of seniority –cum-fitness, from amongst the Assistant Accountants who have qualified PIPFA or SAS Examination.
- (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Accountants.
- (c) twenty per cent by initial recruitment;


A simple perusal of the rules shows that promotion is to be made on the basis of seniority-cum-fitness. Seniority has been very clearly defined in Part-VI of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989 and is determined from the date of regular appointment. This means that in the case in hand, the seniority of the Assistant Accountants would be determined from the date when they were regularly appointed on that post as a result of promotion from the post of Sub-Accountants. For their further promotion to the post of Assistant Treasury Officer/Sub Treasury Officer, only those Assistant Accountants would be considered who have qualified the SAS Examination. Those who are senior and fulfill the criteria would be promoted whereas those who have not qualified the SAS examination would be either deferred for the sake of fulfilling the criteria or placed in the category of part (b) of rule 6 of the service rules which is meant for those Assistant Accountants who have not qualified the

SAS examination. In case an Assistant Accountant qualifies the required examination, he becomes eligible for promotion under part (a) of rule (6).


8. The appellant qualified the SAS examination in January 2018. The meeting of Departmental Promotion Committee was held in October 2018 but he was not considered for promotion, rather his junior colleagues were promoted. The arguments presented by the learned District Attorney, that he qualified the SAS examination at a later date and hence was not considered, does not appeal to a prudent mind. How could the department go against the service rules which clearly state two points; first, seniority-cum-fitness and second, qualifying the SAS examination. The moment the appellant qualified the SAS examination, he was eligible for promotion on the basis of seniority-cum-fitness, and the department could not deny promotion to him in such a scenario where they promoted certain officials junior to him.

9. In view of the above discussion, we are unison that the appellant was eligible and qualified for promotion to the post of Assistant Treasury Officer/Sub-Treasury Officer under rule 6(a) of the service rules notified on 10.08.2018. The service appeal is, therefore, allowed. Respondents are directed to promote him from the date when his junior colleagues were promoted i.e. w.e.f. 29.11.2018. Cost shall follow the event. Consign.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 25th day of April, 2024.*


(FARHANA PAUL)
Member (E)

FazleSubhan P.S


(RASHIDA BANO)
Member(J)

SA 1900/2022

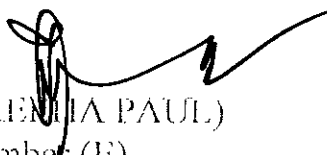
25th Apr. 2024 01. Mr. Taimur Ai Khan, Advocate for the appellant present.
Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.


02. Vide our detailed judgment consisting of 07 pages, we are unison that the appellant was eligible and qualified for promotion to the post of Assistant Treasury Officer/Sub-Treasury Officer under rule 6(a) of the service rules notified on 10.08.2018. The service appeal is, therefore, allowed.

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Peshawar

Respondents are directed to promote him from the date when his junior colleagues were promoted i.e. w.c.f 29.11.2018. 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 25th day of April, 2024.*


(FAREHIA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

19.03.2024

Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Muhammad Zeeshan, Assistant Accountant and Naseeb Khan, S.O for the respondents present.

On previous date, Secretary to Government of Khyber Pakhtunkhwa, Finance Department was directed to appear in person and assist the Tribunal on 19.03.2024. To-day he is not in attendance. He is once again directed to attend the Tribunal personally and assist the Tribunal on the points mentioned in previous order sheet. To come up for arguments on 26.03.2024 before the D.B. P.P given to the parties.

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Peshawar

(Fareeha Paul)
Member(E)

(Rashida Bano)
Member (J)

Fazle Subhan, P.S

26.03.2024 1. Appellant alongwith his counsel present. Mr. Muhammad Jan learned District Attorney alongwith Naseeb Khan, S.O and Muhammad Zeeshan, Assistant Accountant for the respondents present.

2. Representative of respondent is directed to produce minutes of working paper, minutes of DPC meeting on the next date. Adjourned. To come up for record and arguments on 25.04.2024 before D.B. P.P given to parties.

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K.P.S.T
Peshawar

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

Kaleemullah

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S.A #.1900/2022

12th Mar. 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Zeeshan Assistant Accountant (for respondent No.3) and Mr. Atiq Ur Rehman Assistant (for respondent No.2) present.

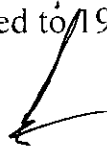
2. Vide judgment dated 17.10.2022, the Tribunal had decided the earlier appeal of the appellant in the following manner:


"Consequently, the appellate Authority is directed to decide departmental appeal of the appellant through a speaking order within a period of one month of receipt of copy of this judgment. The appeal in hand is disposed of accordingly.

Parties are left to bear their own costs. File be consigned to the record room."

In violation of the judgment, a letter dated 07.12.2022 was issued by a Section Officer of the Finance Department which in no way appears to be a speaking order and passed by the Appellate Authority in compliance of the judgment. Therefore, we direct that the Secretary to Government of Khyber Pakhtunkhwa Finance Department (respondent No.2) shall appear in person on 19.03.2024 to assist the Tribunal in this case. Notice be issued to respondent No.2 and the representative namely Ateeq, Ur Rehman Assistant, present in the court, is directed to ensure presence of the Secretary Finance on the above date.

3. Adjourned to 19.03.2024 before D.B. P:P given to the parties.


(Muhammad Akbar Khan)
Member (E)

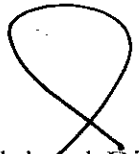

(Kalim Arshad Khan)
Chairman

17.11.2023

Appellant alongwith his counsel present. Mr. Hashmatullah, Superintendent alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

At the very start of arguments of learned counsel for the appellant, it was observed that the working paper as well as minutes of the Departmental Promotion Committee pertaining to the impugned promotion order have not been submitted by either party. The availability of the said documents before the Tribunal are necessary for just and right decision of the appeal in hand, therefore, representative of the respondents shall submit the same within fortnight and to come up for arguments on 21.12.2023 before the D.B. Parcha Peshi given to the parties.


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

Naeem Amin

21.12.2023

01. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Zeeshan, Assistant Accountant for the respondents present.

02. Miss Fareeha Paul, Learned Member (Executive) is on leave, therefore, the Bench is incomplete. To come up for arguments on 12.03.2024 before the D.B. Parcha Peshi given to the parties.


(Rashida Bano)
Member (J)

Fazle Subhan P S

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Peshawar

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Peshawar

22.05.2023

Clerk of learned counsel for the appellant present. Mr. Muhammad Kashif, Assistant Director (I.T) alongwith Mr. Asad Ali Khan, Assistant Advocate General for official respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 15.08.2023 before the D.B. Parcha Peshi given to the parties.

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Naeem Amin

(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

15.08.2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General alongwith Syed Naeem Ullah Shah, Assistant Accountant for the respondents present.

2. Due to summer vacations D.B is not available, therefore, case is adjourned. To come up for arguments on 17.11.2023 before D.B. P.P given to parties.

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Peshawar

Kaleem Ullah

(Rashida Bano)
Member (J)

16.02.2023 Counsel for the appellant present. Muhammad Riaz Khan Paindakhel learned Additional Advocate General alongwith Muhammad Kashif, Assistant Director for official respondents present.

Written reply/comments on behalf of respondents No. 1 to 3 submitted which is placed on file. Despite proper notice none present on behalf of private respondents No. 4 to 10, hence placed ex-parte.

Rs-100/-
Appellant Deposited
Security & Process Fee

[Signature]
6/3/22

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. To come up for arguments on 22.05.2023 before D.B.

[Signature]

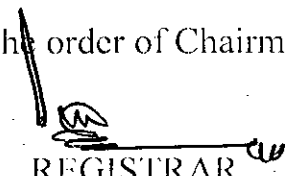
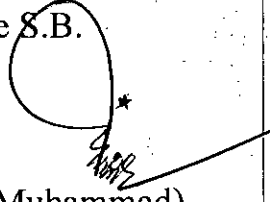
(Rozina Rehman)
Member (J)

SCANNED
KPST
Peshawar

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1900 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2022	<p>The appeal of Mr. Mir Azam Khan presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>3-1-23</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: right;">  REGISTRAR </div>
	03.01.2023	<p>Mr. Taimur Ali Khan, Advocate for the appellant present.</p> <p>Let pre-admission notice be issued to the respondents for submission of reply/comments. Adjournd. To come up for reply/comments as well as preliminary arguments on 16.02.2023 before S.B.</p> <div style="text-align: right;">  (Mian Muhammad) Member (E) </div>

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KPST
Peshawar

SCANNED
KPST
Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: _____ v/s _____

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

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

Name: _____

Signature: _____

Dated: _____

16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1900 /2022

SCANNED
KPST
Peshawar

Mir Azam Khan

V/S


Chief Secretary etc

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08.	Copies of Judgment dated 17.10.2022 and rejection order/letter dated 07.12.2022	K&L	34-38
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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Cell No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1900 /2022 Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2457

Mr. Mir Azam Khan, Assistant Accountant (BPS-16)
Treasury Establishment, Finance Deptt, Peshawar.

Dated 22/12/22

(APPELLANT)

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Ayub Ur Rehman, Assistant Treasury Officer, BPS-17, Office of the District Accounts Officer, Bannu.
5. Mr. Muhammad Ramzan, Assistant Treasury Officer, BPS-17, Office of the District Accounts Office, Tank.
6. Mr. Asad Ali Shah, Assistant Treasury Officer BPS-17, B.I.S.E Abbottabad (On Deputation).
7. Mr. Bilal Ahmad Atif, Assistant Treasury Officer, BPS-17 (Acting Charge Basis), Office of the District Accounts Office, Tor Ghar.
8. Mr. Lal Zada, Assistant Treasury Officer, BPS-17 (Acting Charge Basis), Office of the District Accounts Office, Dir (Lower).
9. Mr. Kashif Sultan, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Accounts Office, Dir (Upper).
10. Mr. Waheed Ullah, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Comptroller of Accounts, Mardan.

*Expend
with
order
dated
16/07/23*

(RESPONDENTS)

Filed to-day

Registrar

22/12/2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.11.2018, WHEREBY THE PRIVATE RESPONDENTS NO.04 TO 10 BEING JUNIORS TO THE APPELLANT WERE PROMOTED TO THE POST OF ASSISTANT TREASURY OFFICERS (BPS-

✓

17) AND AGAINST THE ORDER DATED 17.12.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.11.2018 & 12.07.2022 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT TREASURY OFFICER BPS-17 FROM THE DATE WHEN HIS JUNIOR WERE PROMOTED, ANY OTHER REMEDY WHICH THIS HON'BLE TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SUBMITTED:

FACTS:

1. That the appellant has appointed in the year 1990, while the private respondents No. 4 was appointed in the year 1993, 5 were appointed in the year 1988, private respondents No. 6, 7 & 8 were appointed in the year 1995 and private respondents No. 9 & 10 were appointed in the year 2004. The appellant is at Serial No.62, while the private respondents No.4, 5, 6, 7, 8, 9, 10 are at Serial No.78, 85, 90, 92, 99, 125 & 129 respectively in the seniority list stood on 31.12.2017 issued on 15.01.2018, of Assistant Accountants (BPS-16), meaning by the appellant is senior to private respondents No.4 to 10. (Copy of the Seniority List is attached as Annexure-A)
2. That the respondent department issued the rules on 10.08.2018, wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer is mentioned as sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination. It is pertinent to mention here that the appellant has passed the SAS exam along with other officials on 15.01.2018. (Copies of the Rules and notification dated 15.01.2018 are attached as Annexure-B&C)
3. That the private respondent's No. 4 to 10 were promoted to the post of Assistant Treasury Officers (BPS-17) vide order dated 29.11.2018, while the appellant being senior to respondents No.4 to 10 were deprived from his legal right of promotion to the post of Assistant Treasury Officer (BPS-17) by the respondent department. (Copy of the order dated 29.11.2018 is attached as Annexure-D)

4. That the appellant filed departmental appeal against the impugned promotion order, which was not responded with in the statutory period of 90 days. (Copy of Departmental Appeal is attached as Annexure-E)
5. That after the stipulated period of ninety days, the appellant filed service No.952/2019 in this Honorable Tribunal and during the proceeding of the case, the respondent department submitted the comments in which they rely on the judgment dated 16.07.2009 of this Honorable Tribunal rendered in service appeal 301/2009 and other connected appeals as the Honorable Tribunal dispose of those appeals with certain observations about the framing of fresh rules of the department and mentioned that the vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of S.A.S examination and not on their simple seniority as Assistant Accountants, however. When the rules were proposed certain observations were made by the Law Department which is evident from the letter dated 13.04.2010 and when the rules were framed and notified on 10.08.2018, the Establishment Department through its letter dated 16.01.2020 to the Finance Department mentioned that the case has been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that existing Service Rules are quite clear and there is no need of further amendments in the Said Rules. (Copies of memo of service appeal, comments, judgments dated 06.07.2009 letter dated 13.07.2010 and letter dated 16.01.2020 are attached as Annexure-F,G,H,I&J)
6. That the service appeal of the appellant was heard and decided by the Honorable Tribunal on 17.10.2022. The Honorable Tribunal dispose of the appeal of the appellant with direction to the appellate authority to decide the departmental appeal of the appellant through a speaking order within the period of one month of the receipt of copy of the judgment, but the appellate authority rejected the departmental appeal of the appellant on 07.12.2022 for no good grounds. (Copies of Judgment dated 17.10.2022 and rejection order/letter dated 07.12.2022 are attached as Annexure-K&L)
7. That the appellant having no other remedy except to file the instant appeal in this Hon'ble Tribunal for redressal of his grievances on the following grounds amongst others.

GROUND:

- A. That the impugned orders dated 29.11.2018 and rejection order/letter dated 07.12.2022 are against the law, facts, norms of justice and

material on record, therefore, not tenable in the eyes of law and liable to be set aside.

- B. That the appellant is senior to the private respondents No.4 to 10 in the seniority list stood on 31.12.2017 issued on the year 15.01.2018, but despite the private respondents No.4 to 10 being juniors to the appellants were promoted to the post Assistant Treasury Officer (BS-17), which is violation of law & rules.
- C. That although the Honorable Service Tribunal in its judgment dated 16.07.2009 rendered in service appeal No.301/2009 and others gave certain observations about the framing of fresh rules of the department and mentioned that the vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of S.A.S examination and not on their simple seniority as Assistant Accountants, however, the department notified the rules on 08.10.2018 wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer is mentioned as sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination without mentioning in the rules that seniority of Assistant Accountant will be fix with respect to the dates of their passing of S.A.S examination by observing the judgment dated 16.07.2009 of this Honorable Service Tribunal, which means that the post of Assistant Treasury Officer/Sub Treasury Officer can be filled on the basis seniority sum fitness from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination and as per rules notified on 08.10.2022, the appellant is entitle for promotion to the post of Assistant Treasury Officer as he is senior than the private respondents and have also qualified examination at the time of promotion.
- D. That when the rules of the department framed and notified on 08.10.2022, the Establishment Department itself through the letter dated 16.01.2020 admitted that the case has been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that existing Service Rules are quite clear and there is no need of further amendments in the Said Rules, which means that the rules notified on 10.08.2018 is final and on the basis of rule notified on 10.08.2018, the appellant has right of promotion to the

post Assistant Treasury Officer (BS-17) which was not granted to the appellant.

- E. That the appellant has good service record, but despite that juniors to the appellant were promoted which is violation of norms of justice and promotion rules notified on 10.08.2018 of the department.
- F. That depriving the appellant from his legal right of promotion to the post of Assistant Treasury Officer BPS-17 will also affects his future promotion, which will cause huge financial loss in shape of pension and other monetary benefits.
- G. That the appellant is not treated in accordance with law and rules and keep deprive from his legal rights of promotion in shape of arbitrary manners & means.
- H. That appellant has not been treated according to the Article 04 of the Constitution of Pakistan 1973, more so it is settled principle of law that where the law requires the things to be done in particular manner, the same is to be done in that manner and not otherwise.
- I. That the appellant seeks permission of this Honorable Tribunal to advance other grounds and proof at the time of hearing.

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

THROUGH:


APPELLANT
MIR AZAM KHAN


(TAIMUR ALI KHAN)

&

(MANSOOR SALAM)
ADVOCATE HIGH COURT

22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

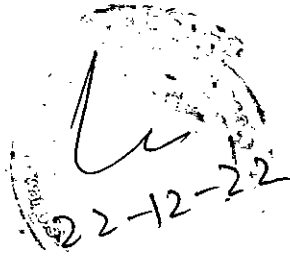
Mir Azam Khan

V/S

Chief Secretary etc

AFFIDAVIT

I, Mir Azam Khan Assistant Accountant BPS-16, Treasury Establishment, Finance Deptt, Peshawar (appellant) do hereby affirm and declare that the contents of this Service Appeal are true and correct to the best of my knowledge & belief and nothing has been withheld from this Hon'ble Tribunal.


22-12-22



DEPONENT

Mir Azam Khan
(APPELLANT)

Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa

*Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road, Peshawar,
Phone & Fax: 091-9211856*

Dated Peshawar 15-01-2018

NOTIFICATION

No. 1-45/DT&A/17/S.L/A.A/1804 In pursuance to Sub-Section (1) of Section 8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), Final Seniority list in respect of Assistant Accountants (BPS-16) of the Treasury Establishment Khyber Pakhtunkhwa (As it stood on 31-12-2017) is hereby notified for information of all concerned

**FINAL SENIORITY LIST OF ASSISTANT ACCOUNTANT (BPS-16) OF TREASURY ESTABLISHMENT
KHYBER PAKHTUNKHWA AS IT STOOD ON 31-12-2017**

S.No	NAME OF OFFICER	DOMICILE	WHETHER SAS QUALIFIED OR OTHERWISE	DATE OF BIRTH	DATE OF IST ENTRY INTO GOVERNMENT SERVICE	DATE OF REGULAR APPOINTMENT AS ASSTT; ACCTT:	PLACE OF PRESENT POSTING	REMARKS
1	Saeed Khan	D.I.Khan	NIL	03-06-1958	05-09-1981	18-07-1994	DCA D.I.Khan	
2	Naimat Ullah	D.I.Khan	NIL	10-01-1961	15-09-1981	01-12-1994	DCA D.I.Khan	
3	Tahir Mehmood	Haripur	NIL	10-02-1958	26-09-1981	08-03-1995	DAO Haripur	
4	Saif-ur-Rehman	Battagram	NIL	28-06-1958	04-11-1981	08-03-1995	DAO Battagram	
5	Sadat Nawaz	D.I.Khan	NIL	21-03-1960	11-07-1982	03-09-1995	DCA D.I.Khan	
6	S. Mushtaq Ali Shah	Peshawar	NIL	10-03-1961	11-02-1981	19-09-1995	DCA Peshawar	
7	Sultan Fayyaz	Peshawar	NIL	12-04-1958	29-03-1981	20-09-1995	DCA Peshawar	
8	Usman Sher	Swabi	NIL	12-02-1960	29-03-1982	02-12-1995	DAO Swabi	
9	Noor Muhammad	Dir Lower	NIL	01-03-1960	16-02-1985	07-06-2001	DAO Dir Lower	
10	Faiz Muhammad	Peshawar	NIL	01-01-1958	09-08-1981	04-06-2002	DAO Charsadda	
11	Amir-ud-Din	Miranshah	NIL	03-03-1959	06-12-1982	04-06-2002	AAO NWA	
12	Tariq Mehmood Abid	Karak	NIL	16-02-1959	11-06-1983	04-06-2002	DAO Hangu	
13	Abdul Hameed	Charsadda	NIL	20-05-1959	04-03-1982	20-11-2003	DAO Charsadda	
14	Ihsanullah	Peshawar	NIL	05-06-1959	26-09-1982	20-11-2003	DT&A Peshawar as Superintendent	

(7)

15	Muhammad Iqbal	D.I.Khan	NIL	14-03-1958	26-03-1983	20-11-2003	DCA D.I.Khan	
16	Niamatullah	Karak	NIL	19-01-1962	01-11-1983	20-11-2003	DAO Karak	
17	Imtiaz Ahmad	Mansehra	SAS (2017)	21-06-1961	15-03-1984	20-11-2003	DAO Mansehra	
18	Shahid Waqar	Kohat	NIL	24-05-1962	01-11-1984	04-05-2005	AAO Orakzai Agency	
19	Ahmad Abbas	Kohat	NIL	21-04-1962	28-04-1985	04-05-2005	DCA Kohat	
20	Inam-ul-Haq	Karak	NIL	05-01-1960	23-04-1985	04-05-2005	DCA Kohat	
21	Rashid Ali	Hangu	NIL	24-12-1960	31-07-1985	04-05-2005	AAO Kurram	
22	Iftikhar Hussain Shah	Haripur	NIL	03-03-1963	29-09-1985	04-05-2005	DAO Haripur	
23	M. Naeem	Mansehra	NIL	07-02-1961	23-10-1985	04-05-2005	DAO Kohistan	
24	Kohi Noor	Bannu	NIL	06-09-1960	10-07-1982	07-01-2006	DCA Swat	
25	Akbar Ali	D.I.Khan	NIL	05-04-1960	07-11-1985	07-01-2006	DCA D.I.Khan	
26	Sher Andaz	Bannu	SAS (2015)	15-12-1965	10-11-1981	07-01-2006	DCA Bannu	
27	Amanullah	D.I.Khan	NIL	01-05-1960	14-12-1981	07-01-2006	Transferred to Finance Deptt	
28	Hakeem Badshah	Karak	NIL	06-05-1961	13-11-1981	07-01-2006	DAO Karak	
29	Umar Badshah	Karak	NIL	23-02-1964	13-03-1986	07-01-2006	AAO Orakzai Agency	
30	Sultan Kareem	Kurram	NIL	08-02-1958	15-03-1986	07-01-2006	DAO Dir Upper	
31	Muhammad Ishaq	Karak	NIL	10-03-1958	16-03-1986	07-01-2006	On deputation to DC Office, Karak	
32	Bahroz Khan	Buner	NIL	30-04-1963	02-05-1987	24-01-2008	DAO Buner	ATO (Acting Charge)
33	Saleem Dad	Bannu	SAS (2013)	02-01-1965	20-09-1987	24-01-2008	DAO Buner	
34	Noor Nawaz	Bannu	NIL	06-08-1961	22-09-1987	24-01-2008	AAO NWA	
35	Said Ali Shah	Mardan	SAS (2013)	09-02-1965	30-09-1987	01-07-2008	DCA Mardan	ATO (Acting Charge)
36	Fazli Akbar	Malakand	NIL	20-01-1958	28-10-1987	01-07-2008	DAO Malakand	
37	Fida Mohammad	Swabi	NIL	15-04-1962	01-11-1987	01-11-2010	DAO Swabi	
38	Naveed Iqbal	Swat	SAS (2013)	01-01-1959	01-03-1987	01-11-2010	DCA Swat	ATO (Acting Charge)
39	Saleem Gill	Kohat	NIL	02-12-1959	22-10-1985	01-11-2010	DCA Kohat	
40	Abdul Saeed	Kohat	NIL	20-05-1962	29-02-1988	01-11-2010	DAO Hangu	
41	Mohammad Ayub	Kohat	NIL	04-07-1959	29-02-1988	01-11-2010	DCA Kohat	
42	Shah Zaman	Mardan	NIL	11-02-1968	17-08-1988	09-08-2012	DCA Mardan	
43	Salim Khan	Mardan	NIL	10-04-1966	17-08-1988	09-08-2012	DAO Buner	
44	M. Yasin Shah	Bannu	NIL	24-01-1966	01-09-1988	09-08-2012	DCA Bannu	
45	Gohar Zad Khan	Bannu	NIL	06-01-1968	16-08-1989	09-08-2012	DCA Bannu	

4	Sabz Ali	Charsadda	SAS (2013)	02-01-1958	17-09-1989	09-08-2012	DAO Charsadda	ATO (Acting Charge)
47	Q. Sher Afzal	Peshawar	NIL	15-11-1962	17-09-1989	09-08-2012	AAO Khyber	
48	Fayaz Ahmad	Charsadda	NIL	15-03-1964	17-09-1989	09-08-2012	DCA Abbottabad	
49	Zakir ullah	Peshawar	SAS (2015)	20-02-1966	17-09-1989	09-08-2012	DCA Peshawar	
50	Sheraz Muhammad	Peshawar	NIL	06-09-1966	03-10-1989	09-08-2012	DCA Peshawar	
51	Ahmad Nadeem	Peshawar	NIL	05-04-1960	28-10-1989	09-08-2012	DCA Peshawar	
52	Atiq ur Rahman	Buner	NIL	15-06-1963	22-06-1982	09-08-2012	DAO Buner	
53	Muhammad Halim	Mardan	NIL	01-01-1961	25-10-1981	09-08-2012	DCA Mardan	
54	Hussain Gul	Dir (L)	SAS (2013)	04-04-1962	09-04-1990	09-08-2012	DAO Shangla	ATO (Acting Charge)
55	Muhammad Niaz	Abbot Abad	NIL	25-03-1966	02-06-1984	09-08-2012	DCA Abbottabad	
56	Muhammad Zahir	Dir (L)	SAS (2007)	07-12-1961	06-06-1990	09-08-2012	DAO Malakand	ATO (Acting Charge)
57	Samiul Haq	Dir (L)	NIL	11-01-1963	29-01-1991	09-08-2012	DAO Malakand	
58	Rahmat Ali	Swat		20-01-1963	18-09-1982	09-08-2012	DCA Swat	
59	S. Abid Ali Shah	Peshawar	NIL	25-09-1966	03-02-1991	09-08-2012	DCA Peshawar	
60	Fazal Amin	Peshawar	NIL	01-01-1968	03-02-1991	09-08-2012	DCA Peshawar	
61	Muhammad Hamayun	Malakand	SAS (2013)	05-01-1965	29-01-1991	09-08-2012	On deputation as A.O (CB) Finance Deptt:	ATO (Acting Charge)
62	Mir Azam Khan	Chitral	NIL	10-02-1967	24-01-1990	09-08-2012	On deputation to Forest	
63	Jehangir Khan	Abbottabad	NIL	27-07-1966	18-02-1991	09-08-2012	DCA Abbottabad	
64	Rambel Khan	Bannu	NIL	17-02-1965	05-03-1991	09-08-2012	DCA Bannu	
65	Nazim Hussain	Peshawar	SAS (2013)	07-10-1967	30-04-1991	09-08-2012	DAO Swabi	ATO (Acting Charge)
66	Muhammad Ibrar	Malakand	NIL	15-02-1963	23-07-1992	09-08-2012	DAO Dir Lower	
67	Fazli Mabood	Swat	NIL	10-04-1964	27-07-1992	09-08-2012	DCA Swat	
68	Sher Zaman	L / Marwat	NIL	19-08-1964	26-06-1993	09-08-2012	DAO Lakki Marwat	
69	Fakhrul Islam	L / Marwat	NIL	09-01-1969	26-06-1993	09-08-2012	DCA D.I.Khan	
70	Muhammad Mumtaz	L / Marwat	NIL	04-12-1962	27-06-1993	09-08-2012	AAO Bajour Agency	
71	Khalid Mehmood	Mansehra	NIL	15-03-1962	21-07-1993	09-08-2012	DAO Kohistan	
72	Muhammad Shamarez	Abbot Abad	SAS (2002)	03-04-1966	22-07-1993	09-08-2012	DCA Abbottabad	ATO (Acting Charge)
73	Shah Qiaz	Bannu	Nil	20-09-1971	22-07-1993	09-08-2012	DCA Bannu	
74	Muhammad Tahir	Mardan	SAS (2007)	12-02-1967	30-08-1988	09-08-2012	On deputation as A.O in DC, Office Mardan	ATO (Acting Charge)
75	Ikram ullah	S.vabi	SAS (2002)	05-04-1967	17-11-1992	09-08-2012	DAO Swabi	ATO (Acting Charge)

76	Inam ullah	Mardan	NIL	20-01-1966	25-07-1993	09-08-2012	DCA Mardan	
77	Hussain Ahmad	Mardan	NIL	02-04-1968	13-06-1990	09-08-2012	DCA Mardan	
78	Ayub ur Rehman	Bannu	SAS (2009)	01-01-1968	29-07-1993	09-08-2012	DCA Bannu	ATO (Acting Charge)
79	Zameer Murad	Abbot Abad	SAS (2017)	02-06-1970	07-08-1993	09-08-2012	DAO Mansehra	
80	Rahmat ullah	Bannu	NIL	10-02-1964	19-08-1993	09-08-2012	DAO Tank	
81	Akhtar Muneer	Bannu	NIL	05-11-1963	23-08-1993	09-08-2012	DAO Battagram	
82	Imamtaz Ali	Bannu	SAS (2002)	01-04-1968	01-09-1993	09-08-2012	DCA Bannu	ATO (Acting Charge)
83	Fazal-e-Subhan	Mardan	NIL	09-05-1966	19-10-1993	09-08-2012	DCA Mardan	
84	Hamayun Khan	Mardan	NIL	01-09-1964	19-05-1994	09-08-2012	DCA Mardan	
85	Muhammad Ramzan	D.I.Khan	SAS (2009)	08-01-1965	13-12-1988	09-08-2012	DAO Nowshera	ATO (Acting Charge)
86	Abdul Hakim	D.I.Khan	NIL	28-03-1968	06-11-1991	09-08-2012	DAO Tank	
87	Khyber Ali	Nowshera	NIL	30-03-1965	18-12-1994	09-08-2012	DAO Nowshera	
88	Wilayat Ali	Nowshera	NIL	11-02-1965	18-12-1994	09-08-2012	DAO Nowshera	
89	Wasim Hafiz	Abbot Abad	NIL	23-03-1969	30-04-1995	09-08-2012	DCA Abbottabad	
90	Asad Ali Shah	Abbot Abad	SAS (2007)	12-07-1968	30-04-1995	09-08-2012	On deputation to BISE Abbottabad	ATO (Acting Charge)
91	Amjad Khan	Abbot Abad	SAS (2002)	06-06-1969	30-04-1995	09-08-2012	DCA Abbottabad	ATO (Acting Charge)
92	Bilal Ahmad Atif	Mansehra	SAS (2009)	16-01-1973	30-04-1995	09-08-2012	DAO Tor Ghar	ATO (Acting Charge)
93	Abdul Latif	Karak	SAS (2017)	07-01-1970	19-06-1995	09-08-2012	DCA Kohat	
94	Muhammad Irshad	Kohat	SAS (2013)	18-03-1968	16-08-1995	09-08-2012	On deputation to BOR	ATO (Acting Charge)
95	Muhammad Rafiullah	Tank	NIL	20-11-1969	23-08-1995	09-08-2012	DAO Tank	
96	Qamar ul Ahsan	D.I.Khan	SAS (2015)	09-03-1969	23-08-1995	09-08-2012	DCA D.I.Khan	
97	Shah Alam	D.I.Khan	NIL	04-04-1959	23-08-1995	09-08-2012	AAO SWA Tank	
98	Fazli Wahid	Malakand	NIL	09-03-1973	19-12-1995	09-08-2012	DAO Malakand	
99	Lal Zada	Dir Lower	SAS (2007)	03-04-1972	03-12-1995	09-08-2012	DAO Dir Lower	ATO (Acting Charge)
100	Amir Zaman Shah	Buner	NIL	05-05-1969	29-11-1995	09-08-2012	DAO Buner	
101	Inamullah Khan	Dir Lower	NIL	01-05-1968	03-12-1995	09-08-2012	DAO Dir Lower	
102	Muhammad Usman	Chitral	NIL	12-11-1966	29-11-1995	09-08-2012	DAO Chitral	
103	Mumtaz Ali Shah	Shangla	NIL	25-04-1971	30-11-1995	09-08-2012	DAO Shangla	
104	Wahid Iqbal	Peshawar	SAS (2013)	27-01-1975	26-09-1996	17-05-2013	On deputation to less ail WM	ATO (Acting Charge)
105	Bahadur Shah Zaffar	Nowshera	NIL	15-03-1968	19-09-1996	17-05-2013	DAO Nowshera	
106	Fazal Rahman	Swat	NIL	01-04-1968	12-03-1996	17-05-2013	DCA Swat	

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107	Muhammad Jamil	Swat	NIL	03-03-1965	30-11-1995	02-02-2015	On deputation to BISE Swat	
108	Asadullah	Dir Lower	SAS (2015)	13-12-1965	12-02-1995	31-01-2014	DAO Dir Lower	
109	Atta-ur-Rehman	Chitral	NIL	04-04-1968	02-10-1996	31-01-2014	DAO Chitral	
110	Syed Farooq Shah	Bannu	NIL	05-01-1960	31-03-1984	31-01-2014	DCA Bannu	
111	Khalid Usman	Karak	NIL	03-03-1970	10-09-1996	31-01-2014	DAO Hangu	
112	Murad Ali	M. Agency	SAS (2017)	07-02-1980	14-06-2004	07-01-2016	On deputation to culture Deptt	
113	Sahibur Rehman	Chitral	NIL	09-03-1974	13-05-2004	07-01-2016	DAO Chitral	
114	Abdullah	Battagram	SAS (2013)	13-08-1969	31-05-2004	07-01-2016	DAO Kohistan	ATO (Acting Charge)
115	Abdul Qadir	Bannu	SAS (2015)	24-11-1967	26-04-1992	07-01-2016	DCA Bannu	
116	Iftikhar Hussain	Mansehra	SAS (2013)	17-04-1983	07-06-2004	07-01-2016	DAO Haripur	ATO (Acting Charge)
117	Khan Zada Zeb	Haripur	SAS (2013)	18-12-1980	27-09-2002	07-01-2016	DAO Haripur	ATO (Acting Charge)
118	Israr Ali	Shangla	NIL	10-04-1981	17-05-2004	07-01-2016	DAO Shangla	ATO (Acting Charge)
119	Shah Hussain	Khyber Agency	SAS (2015)	22-10-1982	01-06-2004	07-01-2016	AAO Khyber	
120	Qudrat Ullah Khan	L. Marwat	SAS (2013)	15-01-1982	31-05-2004	07-01-2016	DAO Lakki Marwat	ATO (Acting Charge)
121	Abid Ali	M. Agency	SAS (2015)	11-06-1975	15-07-2004	07-01-2016	On deputation to PDMA	
122	Abdur Rehman	Peshawar	NIL	26-01-1975	14-05-2004	07-01-2016	DCA Peshawar	
123	Alam Said	M. Agency	NIL	11-02-1977	19-07-2004	07-01-2016	AAO Mohmand	
124	Ghaus-ur-Rehman	Dir Lower	SAS (2017)	01-01-1977	08-05-2004	04-05-2016	DAO Dir Lower	
125	Kashif Sultan	MKD Agency	SAS (2013)	21-09-1979	05-06-2004	21-04-2017	DAO Dir Upper	
126	Tauqeer Ahmad	Mansehra	NIL	12-10-1976	07-06-2004	21-04-2017	DAO Battagram	
127	Shujaat Khan	Peshawar	NIL	03-03-1977	14-05-2004	21-04-2017	DCA Peshawar	
128	Riaz-ud-Din	Dir (L)	NIL	04-02-1978	29-05-2004	21-04-2017	DAO Dir Lower	
129	Waheed Ullah	D.I.Khan	SAS (2013)	13-01-1984	01-06-2004	21-04-2017	AAO SWA Tank	
130	Ghulam Farid	Karak	NIL	03-03-1967	24-01-1995	21-04-2017	DAO Karak	
131	Ahmad Ghaffar	Nowshera	NIL	24-06-1979	22-12-2005	21-04-2017	DAO Nowshera	
132	S. Aftab Hussain	Peshawar	NIL	03-04-1981	22-12-2005	21-04-2017	DAO Charsadda	
133	Sultan Wali Khan	Chitral	SAS (2017)	05-04-1976	22-12-2005	21-04-2017	DAO Chitral	
134	Abdul Wahid	Khyber Agency	SAS (2015)	10-10-1976	04-04-2005	21-04-2017	DT&A Peshawar	
135	Abid Khan	Nowshera	SAS (2017)	07-01-1983	31-12-2003	21-04-2017	DAO Haripur	

(11)

136	Fazal Wahab	MKD Agency	NIL	05-10-1978	22-12-2005	07-07-2017	DAO Malakand	
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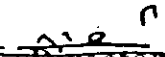
(12)

Director
Treasuries & Accounts
Khyber Pakhtunkhwa

Endst No & Date Even

Copy for information and necessary action is forwarded to the:

1. All the District Comptroller of Accounts, District / Agency Accounts Officers & Treasury officer in Khyber Pakhtunkhwa / FATA with the request that all concerned may be informed accordingly.
 2. Section Officer (Estt), Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
 3. Office order file.
- 20


Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa



NOTIFICATION

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
Dated Pesh: the 10-08-2018

Result 15/11/2018

NO.SO(ESTT)FD/1-16/2014/SSRC/Vol-III/Try:/. 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 Finance Department, in consultation with Establishment Department, and in supersession of previous notifications issued in this behalf, hereby directs that in the Khyber Pakhtunkhwa Treasuries (Recruitment and Appointment) Rules, 1981, the following further amendments shall be made, namely:-

APPENDIX

S.No.	Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment or by transfer	Minimum qualification prescribed for appointment by promotion	Age limit	Method of recruitment.
1	2	3	4	5	6
1.	Director, Treasuries & Accounts.				By selection on merit from amongst the District Comptrollers of Accounts having three (03) years service as such: Provided that if no suitable person is available for promotion then by transfer from amongst officers of equivalent grade having three 03 years experience in finance and accounting.
2.	District Comptroller of Accounts ⑦		DAO		By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors, District Accounts Officers and Agency Accounts Officers and Treasury Officer with at least twelve (12) year service in BPS-17 and above. Note: For the purpose of promotion, a joint seniority list of the Officers mentioned above shall be maintained.
3.	Deputy Director, Treasuries & Accounts.	DAO (minims)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors Treasuries & Accounts having five (05) years service as such; Provided that if no suitable person is available for promotion then by transfer from amongst the District Accounts Officers, Agency Accounts Officers or Treasury Officers.

Accounts

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4.	District Accounts Officer / Agency Accounts Officer / Treasury officer.				<p>(a) Fifty per cent by promotion, on the basis of ¹³seniority-cum-fitness, from amongst the Assistant Treasury Officers and Sub-Treasury Officers with at least five (05) year service as such.</p> <p>Note: For the purpose of promotion, a joint seniority list of the Assistant Treasury Officers and Sub-Treasury Officers shall be maintained; and</p> <p>(b) fifty per cent by deputation, for a specified period, from amongst Accounts Officers of the Audit Department of Government of Pakistan.</p>
5.	Assistant Director, Treasuries & Accounts.				<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents having five (05) year service as such:</p> <p>Provided that if no suitable person is available for promotion then by Transfer from amongst the Assistants / Sub-Treasury Officers.</p>
6.	Assistant Treasury Officer / Sub-Treasury Officer.	At least Second Class Master's Degree in Statistics, Economics, Business Administration or Commerce, from a recognized University.		22 to 30 years	<p>(a) Sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS Examination;</p> <p>(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Accountants.</p> <p>(c) twenty per cent by initial recruitment;</p>
7.	Superintendent.				<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers, having five (05) years service as such.</p> <p>Note: For the purpose of promotion a joint seniority list of Assistants and Senior Scale Stenographers shall be maintained.</p>
8.	Assistant Accountant.				<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Accountants, having five (05) years service as such.</p>
9.	Senior Scale Stenographer.				<p>By promotion on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five (05) years service as such:</p> <p>Provided that if no suitable candidate is available for promotion then by transfer of a suitable officer.</p>

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Recruitment

10.	Assistant.	Atleast 2 nd class Bachelor Degree from a recognized University.		20 to 32 years	(a) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five (05) years service as Junior Clerk and Senior Clerk; and (b) twenty-five per cent by initial recruitment.
11.	Sub-Accountant.	At least 2 nd Class Bachelor's Degree in Commerce / Business Administration or ACMA or MBA from a recognized University.		21 to 35 years	By initial recruitment.
12.	Junior Scale Stenographer	i. At least 2 nd Division Intermediate or equivalent qualification from a recognized Board; ii. a speed of seventy (70) words short hand in English and forty five (45) words per minute in typing; and iii) knowledge of Computer in using M.S. Words and M.S. Excel.		18 to 30 years	By initial recruitment.
13.	Computer Operator	(i) Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/ BIT four years), from a recognized University, or (ii) Second class Bachelor's Degree from a recognized University with one year diploma in Information Technology from a recognized Board of		21 to 32 years	By initial recruitment.

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14.	Senior Clerk				By promotion, on the basis of seniority-cum-fitness, from amongst the junior clerks with at least three (03) years service as such;
15.	Junior Clerk	i) At least 2 nd division Intermediate or its equivalent qualification from a recognized Board; and ii) a speed of thirty (30) words per minute in typing.		18 to 30 years	i) Thirty three (33) per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaries who possess qualification for initial recruitment having at least two (02) years service as such; and ii) sixty seven per cent by initial recruitment.
16.	Driver.	i) Secondary School Certificate from a recognized Board; and ii) Valid LTV/HTV Licence with three years practical experience as Driver. <u>Note:</u> Preference shall be given to those who have sufficient experience in driving, repair and maintenance of vehicles.		18 to 30 years	By initial recruitment.
17.	Daftari.	At least second division Secondary School Certificate from a recognized Board.		18 to 30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Naib Qasids and other Class-IV employees of the Department having Secondary School Certificate from a recognized Board: Provided that if no suitable person is available for promotion then by initial recruitment.
18.	Naib Qasid.	Literate.		18 to 40 Years	By initial recruitment.
19.	Bahishti.	Literate.		18 to 40 Years	By initial recruitment.

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[Handwritten Signature]

20.	Chowkidar.	Literate.		18 to 40 years	By initial recruitment.
21.	Sweeper.	Literate.		18 to 40 years	By initial recruitment.
22.	Mali	Literate.		18 to 40 years	By initial recruitment.

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SECRETARY
Government of Khyber Pakhtunkhwa
Finance Department

Dated 10-08-2018

No. NO.SO(ESTT)FD/I-16/2014/SSRC/Vol-III/Trj/.

Copy of the above is forwarded for information to:-

1. The Secretary to Govt:of Khyber Pakhtunkhwa, Establishment Deptt:, Peshawar.
2. The Secretary to Govt:of Khyber Pakhtunkhwa, Law Department, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary Public Service Commission, Peshawar.
5. The Director Treasuries & Accounts, Peshawar.
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
7. PS to Finance Secretary.
8. The Manager, Govt: Printing Press, Peshawar for publication in official Gazette. Fifty copies of the Gazette Notification when published may be supplied.


SECTION OFFICER (ESTT)

F.Name.Rule 1981 (P/162)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

34

Dated Peshawar, the 15th January, 2018

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NOTIFICATION

NO.SO(ESTT)FD/1-9/08/SAS/Try/2017. The following officers/officials of the Khyber Pakhtunkhwa Treasury Establishment have passed the SAS examination in full held in December, 2017 prescribed vide Government of Khyber Pakhtunkhwa, Finance Department's Notification No.SOSR-III(FD)/9-19/92 dated 16-01-1993 and Notification No.SO(ESTT)FD/1-9/2012/SAS Dated 24-07-2013:

Sl.#	Roll #	Name	Designation
1	103	Nauman Akbar.	Sub-Accountant
2	107	Naila Shoukat.	Sub-Accountant
3	108	Misbah Jabben.	Sub-Accountant
4	111	Tariq Ullah.	Sub-Accountant
5	113	Abid Azeem,	Sub-Accountant
6	114	Shahzad Mehmood.	Sub-Accountant
7	116	Hafeez Ullah.	Sub-Accountant
8	118	Nazir Hussain.	Sub-Accountant
9	119	Riazudin.	Assistant Accountant
10	120	Shahzad Muhammad.	Sub-Accountant
11	121	Rafhan Sana.	Sub-Accountant
12	122	Ghulam Dastagir.	Sub-Accountant
13	123	Umar Badshah.	Assistant Accountant
14	125	Maqbool Ur Rehman.	Sub-Accountant
15	126	Imraz Ali.	Sub-Accountant
16	127	Fazal Wahab	Assistant Accountant
17	129	Naseh ud Din.	Sub-Accountant
18	130	Mussawer Khan.	Sub-Accountant
19	131	Tanveer.	Sub-Accountant
20	132	Mir Azam Khan.	Assistant Accountant
21	133	Shujaat Khan.	Assistant Accountant
22	135	Abdul Hakim	Assistant Accountant
23	136	Barkat Ullah.	Sub-Accountant
24	137	Israr Ali.	Assistant Accountant

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No: & Date even

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16.1.18

Copy forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All District Comptroller of Accounts, Khyber Pakhtunkhwa.
3. All District Accounts Officers, Khyber Pakhtunkhwa.
4. All Agency Accounts Officers, FATA.
5. Treasury Officer, Peshawar.
6. The Manager, Government Printing Peshawar for publication in the next issue of official Gazette and supply of 10 copies of Gazette notification.
7. PS to Finance Secretary.

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TO BE SUBSTITUTED OF EVEN NO. DATED 28-11-2018



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**
Dated Pesh: the 29-11-2018

NOTIFICATION

NO.SO(ESTT)FD/1-55/Promotion/ATO/2018. On the recommendation of Departmental Promotion Committee, the competent authority has been pleased to promote / appoint the following Assistant Accountants (BS-16) of Khyber Pakhtunkhwa Treasury Establishment to the posts of Assistant Treasury Officers/Sub-Treasury Officers (BS-17) on regular / acting charge basis with immediate effect, in the public interest. Officers at S.No. 01-to 10 will be on probation for one year extendable through specific order by the competent authority:-

Sl.#	Name of Officers	
1	Saadat Nawaz,	on regular basis
2	S.Mushtaq Ali Shah,	on regular basis
3	Noor Muhammad,	on regular basis
4	Amir-ud-Din,	on regular basis
5	Saleem Dad Khan,	on regular basis
6	Ayub ur Rehman,	on regular basis ?
7	Muhammad Ramzan,	on regular basis
8	Asad Ali Shah,	on regular basis
9	Bilal Ahmad Atif,	on regular basis
10	Lal Zada,	on regular basis
11	Kashif Sultan,	on acting charge basis
12	Waheedullah,	on acting charge basis
13	Sher Andaz,	on acting charge basis
14	Tariq Mehmood Abid,	on acting charge basis
15	Abdul Hameed,	on acting charge basis

SAS X
SAS X
SAS X
SAS X
SAS 2013 (33)
SAS X (41)
SAS 2009 (85)
SAS 2007 (90)
" 2009 (92)
2007 (99)
2013 (125)
2013 (129)

1995 amt.

SAS 2015 Ser no 26

Consequent upon above, the following posting / transfer are made henceforth:-

S.#	Name of officers	From	To	Remarks
1	Saadat Nawaz	District Comptroller of Accounts, DIKhan	District Accounts Office, Nowshera	Against vacant post
2	S.Mushtaq Ali Shah	District Comptroller of Accounts, Peshawar	District Comptroller of Accounts, Peshawar	Against vacant post of Assistant Treasury Officer.
3	Noor Muhammad	District Accounts Office, Dir (L)	District Accounts Office, Chitral	Against vacant post
4	Amir-ud-Din	District Accounts Office, N.W. District Miranshah.	District Accounts Office, N.W. District Miranshah.	Vice S.No.5
5	Saleem Dad Khan	District Accounts Office, NW District Miranshah.	District Comptroller of Accounts, Bannu	Vice S.No.06.
6	Ayub ur Rehman	District Comptroller of Accounts, Bannu.	District Accounts Officer, Kurram	Against vacant post
7	Muhammad Ramzan	District Accounts Office, Tank.	District Accounts Office, Tank	Retained on the same post on regular promotion.
8	Asad Ali Shah	BISE Abbottabad (on deputation)	BISE Abbottabad (on deputation)	Allowed to continue on the same post, till the completion of deputation period.

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9	Bilal Ahmad Atif	District Accounts Office, Tor Ghar	District Accounts Office, Tor Ghar	Retained on the same post on regular promotion.
10	Lal Zada	District Accounts Office, Dir (L)	District Accounts Office, Dir (L)	Retained on the same post on regular promotion.
11	Kashif Sultan	District Accounts Office, Dir (U)	District Accounts Office, Dir (U)	Retained on the same post on acting charge basis.
12	Waheedullah	District Accounts Office, South Waziristan at Tank	District Comptroller of Accounts, Mardan	Vice S.No.16
13	Sher Andaz	District Comptroller of Accounts, Bannu.	District Accounts Office, Shangla.	Against vacant post
14	Tariq Mehmood Abid	District Accounts Office, Hangu.	District Comptroller of Accounts, Kohat.	Against the post of Mr. Qasim Mehmood who proceeded on study leave for one year.
15	Abdul Hameed	District Accounts Office, Charsadda	District Accounts Office, Charsadda	Against vacant post of ATO.
16	Said Ali Shah	District Comptroller of Accounts, Mardan	District Accounts Office, Buner	Against vacant post

**SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

NO.SO (ESTT)FD/1-55/Promotion/ATO/2018

Dated 29-11-2018.

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. Director Treasuries and Accounts Khyber Pakhtunkhwa.
3. The Chairman, Board of Intermediate, Abbottabad.
4. District Comptroller of Accounts, Bannu, Peshawar, Mardan, Dikhan & Kohat.
5. District Accounts Officers, Dir (L), Kurram, Tank, Tor Ghar, NW District Miranshah, Nowshera, Chitral, Dir (U), Buner, SW at Tank, Shangla, Hangu & Charsadda.
6. PS to Minister for Finance.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Finance.
9. PA to AFS (Admn:) / PCIA, Finance Deptt..
10. Officers concerned.
11. Office Order file.

[Signature]
Section Officer (Estt.)

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E (21)
Dated: 27-02-2019

To: The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department

Subject: Appeal for promotion and against Violation of Seniority & Service Rules

With due respect it is referred to our detailed joint Application submitted on 31-01-2019 to your goodself and simultaneously to the Director T&A (Copy attached) regarding the same subject and to once again request that I am Assistant Accountant in BS-16 of the Treasury Establishment, Finance Department and have qualified SAS/ Departmental Examination which is qualification for promotion to the post of Assistant Treasury Officer BS-17.

As per Service Rules of the Directorate of Treasuries & Accounts, Khyber Pakhtunkhwa (An attached formation to Finance Department), Promotion of the Assistant Accountants BS-16 to the post of Assistant Treasury Officers BS-17 should be made on the basis of Seniority-cum-fitness which are reproduced as under:

"On the basis of Seniority-cum-fitness from amongst the Assistant Accountants (BS-16) who have qualified SAS (Departmental Examination)" (against 60% quota)

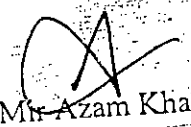
It has been observed by the undersigned that most of the above mentioned promotions are being made by the Treasury Directorate on the basis of the date of passing of the Departmental Examination (SAS), which is quite obvious from The Seniority Lists issued by the Treasury Directorate from time to time (Copy attached).

In order to follow the Service Rules instead, the Treasury Directorate is violating the Service Rules and accordingly my seniority has been disturbed to a great extent quoting the reason that the juniors who have been promoted recently; have qualified the Departmental Examination before me and hence they have been promoted in order of their year of passing of the SAS/ Departmental Examination.

In view of the above, it is, therefore requested in your honor that the Directorate of Treasuries & Accounts, Khyber Pakhtunkhwa may kindly be directed to issue my promotion Orders immediately and the undersigned may be offered a relief in the instant case.

With Thanks and Regards.

Yours obediently,



Mr. Azam Khan
Assistant Accountant (BS-16)
Treasury Establishment.

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 952/2019

Khyber Pakhtunkhwa
Service Tribunal

Case No. 905

Dated 01-07-2019

Mir Azam Khan, Assistant Accountant (BPS-16),
Treasury Establishment, Finance Deptt., Peshawar.

(APPELLANT)

VERSUS

- ✓ 1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- ✓ 2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- ✓ 3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.

Ex-parte ✓ 4. Mr. Asad Ali Shah, Assistant Treasury Officer, BS-17, B.I.S.E Abbottabad (on Deputation).

✓ 5. Mr. Lal Zada, Assistant Treasury Officer, BS-17, Office of the District Accounts Office, Dir (Lower).

Filed to-day ✓ 6. Mr. Kashif Sultan, Assistant Treasury Officer, BS-17 (Acting Charge Basis). Office of the District Accounts Office, Dir (Upper).

Registrar ✓ 7. Mr. Waheed Ullah, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Comptroller of Accounts, Mardan.

(RESPONDENTS)

Re-submitted to-day and filed.

Registrar

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.11.2018, WHEREBY THE PRIVATE RESPONDENTS NO.4,5,6&7 BEING JUNIOR TO THE APPELLANT WERE PROMOTED TO THE POST OF ASSISTANT TREASURY OFFICERS (BPS-17) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.11.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENT DEPARTMENT MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT TREASURY OFFICERS (BPS-17) FROM THE DATE WHEN HIS JUNIORS WERE PROMOTED. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

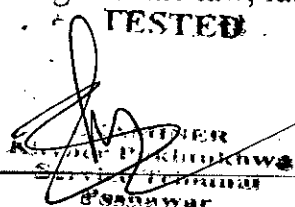
RESPECTFULLY SHEWTH:**FACTS:**

1. That the appellant was appointed in the year 1990, while the private respondents No.4 & 5 were appointed in the year 1995, while the private respondents No.6&7 were appointed in the year 2004. The appellant is at S. No. 62, while the private respondents No.4,5,6&7 are at S. No.90, 99,125 and 129 respectively in the seniority list issued on 15.01.2018, of Assistant Accountant (BPS-16), meaning by the appellant is senior to private respondents No.4,5,6&7. (Copy of seniority list of 2018 is attached as Annexure-A)
2. That the respondent department issued the rules on 10.08.2018, wherein promotion to the post of Assistant Treasury Officer/Sub Treasury officer is mentioned as *sixty percent by promotion on the basis of seniority cum fitness, from amongst the Assistant Accounts, who have qualified PIPFA or SAS Examination.* (Copy of rules is attached as Annexure-B)
3. That private respondent No.4,5,6&7 were promoted to the post of Assistant Treasury Officer (BS-17) vide order dated 29.11.2018, while the appellant being senior to respondent No.4,5,6&7 was deprived from his legal right of promotion to the post of Assistant Treasury Officer (BS-17) by the respondent department. (Copy of order dated 29.11.2018 is attached as Annexure-C)
4. That the appellant filed departmental appeal against the impugned promotion order, which was not responded within the statutory period of ninety days. (Copy of departmental appeal is attached as Annexure-C)
5. That now the appellant comes to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant and the impugned order dated 29.11.2018 are against the law, facts, norms

TESTED


 MEMBER
 State Tribunal
 Bikaner

of justice and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant was senior to the appellant in the seniority, but despite that private respondent No.4,5,6&7 being juniors to the appellant were promoted, which is violation of law and rules.
- C) That the appellant has good service record, but despite that juniors to the appellant were promoted which is violation of norms of justice and promotion Rules 2018 of the department.
- D) That depriving the appellant from his legal right of promotion to the post of Assistant Treasury Officer (BS-17) will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits.
- E) That the appellant was not treated in accordance with the law and ruled and has been deprived from his legal right of promotion in arbitrary manner.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

Mir Azam Khan
 APPELLANT
 Mir Azam Khan

THROUGH:

M. Asif Yousefzai
 M. ASIF YOUSAEZAI
 (ADVOCATE SUPREME COURT)

Taimur Ali Khan
 &
 TAIMUR ALI KHAN
 (ADVOCATE HIGH COURT)

&
 ASAD MAHMOOD
 (ADVOCATE HIGH COURT)

ATTESTED
[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

F.D. 41

S

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
JUDICIAL COMPLEX (OLD) KHYBER ROAD
PESHAWAR

APPEAL NO. 952/2019

Mr. Mir Azam Khan, Assistant Accountant (BPS-16),
Treasury Establishment, Finance Department, Peshawar.

.....APPELLANT

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Asad Ali Shah, Assistant Treasury Officer, BS-17, B.I.S.E Abbottabad (on deputation)
5. Mr. Lal Zada, Assistant Treasury Officer, BS-17, Office of the District Accounts Officer, Dir (Lower).
6. Mr. Kashif Sultan, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Accounts Officer, Dir (Upper).
7. Mr. Waheed Ullah, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Comptroller of Accounts, Mardan.

.....RESPONDENTS

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01,
02 & 03.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS

- (i) That without prejudice to the forgoing, the appeal is bad. in form as well in substance.
- (ii) That the appellant neither has any locus standi nor a course of action to approach this Honorable Tribunal.
- (iii) That the appeal is not maintainable in its present form as it is against the facts and rules.
- (iv) That the appellant has tried to twist and bend the facts to his own advantage/benefits.
- (v) That the appellant has willfully withheld to disclose the true attending circumstances and correct picture of the matter in hand and has thus approached this Honorable Tribunal with sallied hands, therefore, disentitled to seek any remedy.
- (vi) That the appellant with malafide intention has concealed the material fact from this honorable Tribunal.
- (vii) That the appeal is badly time barred and not entertainable in its present form.

FACTS

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1. Correct to the extent that the appellant and the private respondents No. 4, 5, 6 & 7 were appointed as Sub Accountants in the Treasury Establishment in the years mentioned in the appeal. Moreover, Service Rules of Treasury Establishment Khyber Pakhtunkhwa as amended time to time provides that post of Assistant Treasury Officer / Sub Treasury officer will be filled in "60% by promotion on the basis of seniority cum fitness basis, from amongst the Assistant Accountant who also have qualified PIPFA or SAS Examination" consequently the private respondents are senior to the appellant in light the batch wise seniority fixed upon qualifying the said department exam, hence, promoted to the post of Assistant Treasury Officer / Sub Treasury Officer and stand senior to the appellant in light of judgement of the honorable Khyber Pakhtunkhwa Service Tribunal dated 16-07-2009, (Copy of judgement at Annex-I)
2. Incorrect. The respondent department has service rules in vogue since 1981 which has been amended from time to time and the amended service rules issued on 10-08-2018 has no concern with the instant appeal. The provisions for promotion to the post of ATO/STO as "60% by promotion on the basis of seniority cum fitness basis, from amongst the Assistant Accountant who also have qualified PIPFA or SAS Examination" had already been there in the service rules before 10-08-2018. (Copy of Service Rules before 10-08-2018 is attached as Annex-II)
3. Incorrect. That the private respondent No. 4, 5, 6 & 7 were promoted to the post of Assistant Treasury Officer (BPS-17) on Regular/ Acting Charge Basis in accordance with the Service Rules of Treasury Establishment and in light of decision of the honorable Khyber Pakhtunkhwa Service Tribunal as a guideline for policy of decision. However, plea of the appellant about his seniority is misleading as he has twisted the facts for his own benefits.
4. Incorrect. The appeal was examined in the Standing Service Rules Committee. The Government of Khyber Pakhtunkhwa, Establishment Department has clarified that the existing Service Rules are quite clear and there is no need of further amendments in the said Service Rules and agreed with the advice already tendered by the Government of Khyber Pakhtunkhwa, Law Department. (Annex-III & IV)

GROUNDS

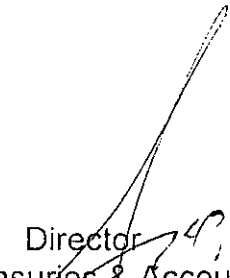
- (A). Incorrect. That the Service Rules and adoption of decision of the Khyber Pakhtunkhwa Service Tribunal as a guideline for policy decision is in accordance with law, fact, norms of justice and material on record.

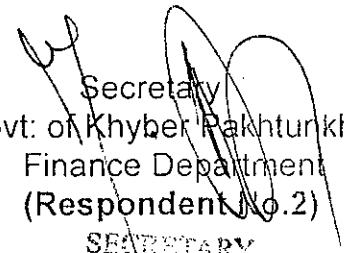
(43)


(27)

- (B). Incorrect. The appellant was junior to the private respondents No.4, 5, 6 & 7 as evident from the seniority list issued on 15-01-2018 as his professional qualification of SAS examination is Nil. The private respondents No.4, 5, 6 & 7, being senior, in light of the honorable Khyber Pakhtunkhwa Service Tribunal judgment dated 16-07-2009 and professional qualification, have rightly been promoted to the post of Assistant Treasury Officer/Sub Treasury Officer (BPS-17) and no any violation of law and rules has been committed.
- C. As per para-B of Grounds above.
- D. Incorrect. The appellant has been treated in accordance with the prevailing rules at par with other employees of the cadre.
- E. As per para-D of Grounds above.
- F. Pertains to record.

In view of the above explanation, the instant appeal, being bereft of merit and without any solid substance, may very graciously be dismissed with cost.


Director
Treasuries & Accounts
Khyber Pakhtunkhwa
(Respondent No.3)
Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar


Secretary
Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No.2)
SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Deptt.


Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)

Handwritten signatures and initials at the top left of the page.

Handwritten '55' in a circle at the top center.

SCANNED
KPST
Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Case No. 3390

Dated 2-2-2023

APPEAL No.1900/2022

Mir Azam Khan versus Chief Secretary and Others

Subject: URGENT DATE FOR HEARING APPEAL NO. 1900/2022

Most respectfully it is submitted

1. That the instant appeal was fixed for hearing on 28-12-2022 before the August Service Tribunal Peshawar and now again fixed for 16-02-2023.

2. The juniors officers versus serial No.4 to 10 official address have been changed as per tentative seniority list of Assistant Treasury Officer (BS-17) and Assistant Account (BS-17) of Treasury Establishment Khyber Pakhtunkhwa in different District issued on 15-12-2022 and 27-12-2022 respectively by section Officer (Estt-I) Finance Department (Annexure-I&II). The legal notice of the August Service Tribunal Peshawar have not been issued to till date.

3. The list of versus and their official address are as under:-

S.O	Name	Designation	BPS	Official postal Address
1.	Ayub ur Rehman	Assistant Treasury Officer	17	District Comptroller of Account Bannu ✓
2.	Muhammad Ramzan	Assistant Treasury Officer	17	District Account Office Lakki Marat X
3.	Asad Ali Shah	Assistant Treasury Officer	17	Account officer (BS-17) Project of Construction of Siran Right Bank Canal District Mansehra X
4.	Bilal Ahmad Atif	Assistant Treasury Officer	17	District Comptroller of Account Abbottabad X
5.	Lal Zada	Assistant Treasury Officer	17	District Account Office Lower Dir Timergra ✓
6.	Kashif Sultan	Assistant Treasury Officer	17	District Account Office Upper Dir ✓
7.	Waheedullah	Assistant Treasury Officer	17	Audit Officer (BS-17) Board of Intermediate & Secondary Education office D.I.Khan X

4. It is, therefore most humbly prayed that on acceptance, the instant appeal the legal notice of the August Service Tribunal Peshawar may kindly issued in present address mentioned above.

OR the legal notice of the August Service Tribunal, Peshawar may kindly be sent to versus serial No. 3 as Head of Attached Department Director Treasury and Account Khyber Pakhtunkhwa, Kachary Compound near Jamia Masjid Khyber Road Peshawar for onward submission to the concerned officers of Treasury Establishment please.

Put up to the court with relevant appmt.

Dated 30-01-2023

Handwritten signature and date 2/2/2023.

Appellant in Personal

Mr. Mir Azam Khan
APPEAL No.1900/2022
Cell No. 0346-9847343

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
SERVICE APPEAL NO. 1900/2022

Khyber Pakhtunkhwa
Service Tribunal

Mir Azam Khan, Assistant Accountant (BPS-16)
Treasury Establishment, Finance Department, Peshawar.

Diary No. 3608
Dated 15/2/2023
(APPELLANT)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and Others.

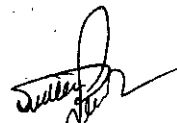
..... (RESPONDENTS)

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

INDEX

S#	Description of Documents	Annexure	Page
1	Joint Para Wise Comments		1-3
2	Copy of Judgment of the Honorable Khyber Pakhtunkhwa Service Tribunal, dated 16.07.2009	I	4-6
3	Govt. of Khyber Pakhtunkhwa Law Department letter dated 13.04.2010	II	7-8
4	Reply of the Departmental Appeal of the appellant dated 07.12.2022.	III	9-10
5	Affidavit	IV	11

Deponent



Sultan Saeed

Deputy Director IT (BPS-18),
Directorate of Treasuries & Accounts,
Khyber Pakhtunkhwa.
CNIC No:17201-6239009-5

Dated:

57

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No 1900/2022

Mr. Mir Azam Khan, Assistant Accountant (BPS-16)
Treasury Establishment, Finance Department, Peshawar.

.....**Appellant**

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and Others.

.....**Respondents**

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

RESPECTFULLY SHEWETH:-

PRELIMINARY OBJECTIONS:

1. That without prejudice to the following, the appeal is bad, both in form as well as in substance.
2. That the appeal is not at all maintainable in its present form as it is against the fact and rules.
3. That the appellant neither has any locus standi nor a cause of action to approach this Honorable Tribunal.
4. That the appellant has tried to twist and bend the true picture of the matter from this honorable Tribunal for his own advantage/benefit.
5. That the appeal is badly time barred and not entertainable in its present form.

FACTS:

1. Correct to the extent that the appellant and the private respondents No.4,5,6,7,8,9 & 10 were appointed as Sub Accountant in the Treasury Establishment in the years mentioned in the appeal. Moreover, Service Rules of Treasury Establishment, Khyber Pakhtunkhwa as amended from time to time provides that post of Assistant Treasury Officer/Sub Treasury Officer will be filled in as under:

"60% by promotion on the basis of Seniority-cum-fitness, from amongst the Assistant Accountants who also have qualified PIPFA or SAS examination"

Consequently the private respondents are promoted earlier than the appellant to the post of Assistant Treasury Officer / Sub Treasury Officer in light of Judgment of the Honorable Khyber Pakhtunkhwa Service Tribunal dated 16.07.2009 which stipulates as under:

"The vacancies of SAS qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of the SAS examination, and not on their simple seniority as Assistant Accountants". (Copy of judgment at Annex-I).

2. Incorrect. The respondent department i.e. Treasury Establishment, Khyber Pakhtunkhwa has its service rules since 1981 which has been amended from time to time which has not effected the laid down criteria of promotion for the appellant as well as private respondents. As far as passing of SAS exam of the appellant is concerned, his seniority on the basis of said qualification is intact and shall be promoted on his own turn in the 60% quota.
3. Incorrect. The private respondents have been promoted to the post of Assistant/Sub Treasury Officer on regular/acting charge basis in accordance with the service rules of Treasury Establishment in light of the decision of the honorable Khyber Pakhtunkhwa Service Tribunal as a guideline. Hence, the appellant is twisting the facts and misleading the honorable Tribunal to his own benefits.
4. Pertains to record.
5. Incorrect. The amendments made in the service rules, duly notified on 10.08.2018, has no concern with the instant appeal as the provision of promotion of Assistant Accountants **as 60% by promotion on the basis of Seniority-cum-fitness, from amongst the Assistant Accountants who also have qualified PIPFA or SAS examination** already exists in the pre-amended service rules as twisted by the appellant. As far as advice of Law Department is concerned it clearly states that:

"a proviso which is the decision of the Service Tribunal, it may be a guide line for policy decision but can't be included in the service rules". (Copy of Government of Khyber Pakhtunkhwa Law Department letter dated 13.04.2010 at Annex-II)
6. Incorrect. To implement the decision of the Khyber Pakhtunkhwa Service Tribunal in service appeal No. 952/2019 announced on 17.10.2022 and delivered on 21.11.2022, departmental appeal of the appellant has been examined and regretted, being contrary to the decision of the Hon'ble Khyber Pakhtunkhwa Service Tribunal dated 16.07.2009 as the Establishment Department has also advised that the existing service rules are quite clear and there is no need of further amendments in the said Service Rules. (Annex-III)
7. The appellant has got no cause of action to file the instant appeal, being devoid of merit.

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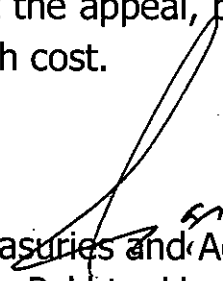
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Grounds:

- A. Incorrect. The said order as well as rejection of appeal of the appellant is based on law, rules & policy in vogue and he is treated at par with others.
- B. Incorrect. As per Para-3 of the facts above.
- C. Incorrect. The appellant is twisting the true picture of the matter and this point is already clarified at Para-2, 3 & 5 of the facts above.
- D. As per Para- 2 & 3 of the facts above.
- E. Incorrect. No any discrimination is being done to the appellant and he is treated as per existing Service Rules in accordance with the law and decision of the honorable Tribunal.
- F. As per Para-E above.
- G. As per Para-E above.
- H. Incorrect. The appellant is treated equally with all at par as per rules/policy and in accordance with the law.
- I. The respondents seek leave to raise additional grounds at time of arguments.

It is, therefore, respectfully prayed for that the appeal, being devoid of merit and legal force, may kindly be dismissed with cost.


SECRETARY FINANCE
Govt of Khyber Pakhtunkhwa
(RESPONDENT NO. 2)


Director Treasuries and Accounts
Khyber Pakhtunkhwa
(RESPONDENT NO. 3)

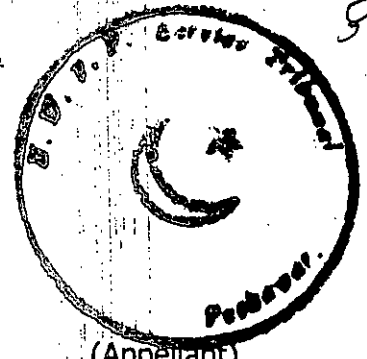

The Chief Secretary
Govt. of Khyber Pakhtunkhwa
(Respondent No.1)

60 - Annex - I

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 301/2009

Date of Institution: ... 21.2.2009
Date of Decision ... 16.7.2009



16/3 (4)

**Ikramullah, Sub-Accountant,
District Accounts Office, Swabi.**

(Appellant)

VERSUS

1. The Government of NWFP, through Chief Secretary, NWFP Peshawar.
2. The Secretary Establishment & General Administration Department, NWFP Peshawar.
3. The Secretary, Finance Department, NWFP Peshawar. (Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 24.5.1981 AND AMENDED NOTIFICATION DATED 03.11.2006 WHEREBY DISCRIMINATORY AND IRRATIONAL RULES NOTIFIED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD.

MR. MUHAMMAD ASIF YOUSAFZAI, Advocate. For appellant.

MR. JAMAL ABDUL NASIR, Addl. Government Pleader, For respondents.

MR. JUSTICE (R) SALIM KHAN, S. MANZOOR ALI SHAH, CHAIRMAN. MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.- This service Appeal No. 301 of 2009 by Ikramullah, and Service Appeals No. 302 of 2009 by Pervez Khan, No. 303 of 2009 by Muhammad Saeed, No. 304 of 2009 by Ashfaq-ur-Rahman, No. 305 of 2009 by Taj Muhammad, No. 306 of 2009 by Wahid Bakhsh, No. 307 of 2009 by Imtiaz Ali, No. 308 of 2009 by Khairullah, No. 309 of 2009 by Zahoor Khan, No. 310 of 2009 by Muhammad Naeem-II, No. 311 of 2009 by Sahibzada Khan, No. 312 of 2009 by Shafiq-ur-Rahman, No. 313 of 2009 by Muhihammad Shamrez, No. 314 of 2009 by Noor-ul-Anin, No. 316 of 2009 by M. Saifullah, and No. 317 of 2009 by Amjad Khan, are of the same nature, involving the same legal questions. These appeals are, therefore, taken together for discussion and decision.

2. The appellant of this appeal contended that he was appointed alongwith other co-appellants, on different dates, in the Treasury Department.

ATTESTED
[Signature]

[Signature]
Deputy Director
Treasury & Accounts
District Accounts Office Peshawar.

(61)

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SK

(5)

Rules were framed and notified on 24.5.1981, through which 33% quota was prescribed for promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Accountants, and 67% quota was reserved for promotion of (a) Assistant Accountants who have qualified S.A.S Examination and (b) if no Assistant Accountants, who have qualified S.A.S examination, were available, then Sub Accountant, who have qualified S.A.S examination, on the basis of seniority-cum-fitness. The rules were modified on 3.11.2006. 20% quota was reserved for initial recruitment, further 20% quota was reserved for promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Accountants, while the remaining 60% vacancies were left for promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of (a) S.A.S qualified Assistant Accountants and (b) if no such Assistant Accountants were available, then from Sub-Accountant, who have qualified S.A.S Examination. The appellant contended that the rules were irrational and discriminatory. The appellants submitted appeals severally and through their union. Writ Petition No. 1978 of 2006 was filed which was returned vide order dated 27.10.2008. Hence the present appeal.

3. The respondents contested the appeals. They contended that the new rules were neither discriminatory nor irrational nor contradictory, that the appeals are against the provisions of Section 22(2) of the NWFP Civil Servants Act, 1973, and that the appellants have not submitted departmental appeals.

4. We heard the arguments and perused the record.

5. The Writ Petition could be considered as departmental appeal also, as it served the purpose of informing the official respondents regularly regarding the grievances of the appellants, and providing them an opportunity of the prescribed period to consider their grievances. As the Writ Petition has been sent to this Tribunal, the period spent for pursuing the mentioned Writ Petition is condoned. The present appeals are a challenge to the rules themselves and are not regarding the fitness or otherwise of the appellants for holding or for promotion to a post on ascertaining their eligibility for holding a certain post.

6. The learned counsel for the appellants contended that the quota for S.A.S qualified Assistant Accountants has been decreased while 20% quota for initial recruitment and 20% quota for promotion of the Assistant Accountants, who have not qualified S.A.S qualification, has been carved out and prescribed. The

ATTENDED
EXAMINER

[Signature]
Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar



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85 (6)

comparative consideration of both the sets of the rules (Rules dated 24.5.1981 and Rules dated 3.11.2006) show that 20% quota has been reserved for initial recruitment, by deducting 13% quota from the Assistant Accountants who have not qualified S.A.S, and by reducing 7% from the quota of S.A.S qualified Assistant Accountants/Sub Accountants. The Government has the prerogative to prescribe the rules prospectively, and to create a place for direct recruitment. The quota of both classes of Assistant Accountants, and, consequently, of Sub Accountants, has been reduced, and no discrimination has been made to any of these classes.

7. It is expected that the system of Roster and Cycles shall be strictly adopted for the purposes of recruitment/appointment to the posts of Assistant Treasury Officer. A set of five vacancies available on, or after, 3.11.2006 shall be declared one cycle, and the first of these five vacancies will be allotted to the direct recruit while the second vacancy will be allotted to the Assistant Accountant, who has not-qualified S.A.S examination, on the basis of seniority-cum-fitness; The remaining three vacancies of each Cycle will be reserved for promotion of the S.A.S qualified Assistant Accountants or, if the Assistant Accountants are not available, for the Sub-Accountants, who have passed S.A.S examination. The first vacancy of direct recruits shall not be given to the other two groups, and vice-versa. An Assistant Accountant, on his passing S.A.S examination, shall be given the option to claim vacancy either in the second or in the third category. But once that option is exercised, his category shall not be changed in future. The vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of the S.A.S examination, and not on their simple seniority as Assistants Accountants.

(Signature)
Deputy Director
Tre. Suries & Accounts
Khyber Pakhtunkhwa Peshawar

8. With the above explanations and observations, we have come to the conclusion that the fresh rules could be framed by the Government, which are neither irrational nor discriminatory, nor prejudicial to the rights of the appellants.

9. We, therefore, dispose of the present appeals with the above explanation and observations. The parties are left to bear their own costs.

ANNOUNCED
16.7.2009

(Signature)
Peshawar

sd/- Justice (R) Salimullah
sd/- Syed Manzoor Ali Shah
Member



63 Annex - II

7

GOVERNMENT OF THE N.-W.F.P.,
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT.

No. REG: 1(4)80/ 7658
Peshawar, dated the 13.04.2010.

To

The Secretary,
Government of the NWFP,
Finance Department.

SUBJECT: AMENDMENT IN THE NWFP. TREASURIES
(RECRUITMENT AND APPOINTMENT)
RULES, 1981.

Dear Sir,

I am directed to refer to your letter No. SO(ESTT)FD/1-16/2010/Amend-Rules, dated: 23.02.2010, on the subject noted above and to state that as discussed with your Departmental Representative Mr. Muhammad Amin, Section Officer (Est), the following queries needs to be solved for finalization of the case:

- (a) that the post of Director Treasury and Accounts is in BS-19 how it could be filled in by promotion from amongst District Comptroller of Accounts who are also in BS-19;
- (b) length of service is also not mentioned which would make them eligible for promotion to the post of Director Treasury. Same problem emerges as shown in above clause (a) with regard to filling of post of Deputy Director/ District Accounts Officer/ Treasury Officers;
- (c) the post of Assistant Treasury Officers are proposed to be filled in on the basis of promotion from amongst the Assistant Accountants but no length of service is mentioned, similarly Assistant Accountants and Sub-Accountants are also made eligible for promotion to the post of Assistant Sub-Treasury Officers, who have passed SAS examination, but no length of service is shown which can make them eligible for promotion on the basis of seniority-cum-fitness;

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14/4/10

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16/4

Deputy Director
Treasury & Accounts
Hyderabad

Section Officer (C)
Hyderabad Pak

64

133/57

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(d) a proviso in column No. 5 against serial No. 5 is added which is the decision of the Service Tribunal, it may be a guide line for policy decision but can't be included in the service rules.

Yours faithfully,

ASSISTANT LEGAL DRAFTER-II



Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar

Section Officer (Estt.)
Govt. of Khyber Pakhtun/
Finance Department



65 Annex-TII
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

9

Finance Department Civil Secretariat Peshawar

http://www.finance.gkp.pk

facebook.com/GoKPPD

twitter.com/GoKPPD

KC. No: SO(Estt-I) FD/1-5/2022

Dated Pesh: the 07-12-2022

To

Mir Azam Khan,
Assistant Accountant (BS-16)
Treasury Establishment,

Present posting: Pakistan Forest Institute, Peshawar.

Subject: Appeal for promotion and against violation of Seniority & Service Rules.

I am directed to refer to your appeal dated 27.02.2019 on the subject noted above and to state to implement decision of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 952/2019 announced on 17.10.2022 and delivered on 21.11.2022, your appeal has been examined in light of the Hon'ble Khyber Pakhtunkhwa Service Tribunal decision dated 16.07.2009 as well as Government of Khyber Pakhtunkhwa Establishment Department advice tendered vide letter No. SOR-VI/E&AD/7-44/2018 dated 16.01.2020.

2. In view of the above, Finance Department regrets its inability to accede to your request being contrary to the decision of the Hon'ble Khyber Pakhtunkhwa Service Tribunal dated 16.07.2009 and advice of Establishment Department in the matter.

SECTION OFFICER (E-I)

Endst: No & Date Even

Copy forwarded for information to the: -

1. Director, Treasuries & Accounts, Khyber Pakhtunkhwa w/r to letter No. 1-68/DT&A/22/1296 dated 22.11.2022.
2. Section Officer (Lit-II), Finance Department.
3. PA to Additional Secretary (Regulation), Finance Department.
4. PS to Special Secretary (A&R), Finance Department.

[Signature]
Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar

[Signature]
SECTION OFFICER (E-I) 07/12/22

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08-12
2022

[Signature]
07/12/22

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07/12/22

Act-II

[Signature]
08/12/22



66

K4 (10)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SOR-VI/E&AD/7-44/2018
Dated Peshawar, the January 16, 2020

To
The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

SUBJECT: PROMOTION / SENIORITY OF SAS QUALIFIED ASSISTANT IN THE
LIGHT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
JUDGMENT DATED 16.07.2009

Dear Sir

I am directed to refer to your Department's letter No. SO(ESTT-I)FD/1-16/2018/SAS/S.List, dated 04.12.2019 on the subject noted above and to state that the case has been examined in light of Service Tribunal Judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that the existing Service Rules are quite clear and there is no need of further amendments in the said Service Rules.

Yours faithfully,

(SAIFULLAH KHAN)
SECTION OFFICER (REG-VI)

pu please
20/1/20

1393
21/1/2020

Amir

S.S.F
AFS/A1

17.1

Deputy Director
TREASURIES & ACCOUNTS
Khyber Pakhtunkhwa, Peshawar

PC (PIAC)

17/1/20

SO (E-1)

AD
21/1/2020

67

Annex - IV

11

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
SERVICE APPEAL NO. 1900/2022

Mir Azam Khan, Assistant Accountant (BPS-16)
Treasury Establishment, Finance Department, Peshawar.

..... (APPELLANT)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar and Others.

..... (RESPONDENTS)

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

AFFIDAVIT

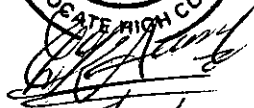
I, Mr. Sultan Saeed, Deputy Director, IT (BPS-18), o/o the Director Treasuries & Accounts, Khyber Pakhtunkhwa do hereby solemnly affirm and declare that the contents of para wise comments / reply in light of order/directions of the Honorable Service Tribunal Khyber Pakhtunkhwa on behalf of the respondent No. 1 to 3 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Deponent



Dep **Sultan Saeed**
Deputy Director, IT (BPS-18),
Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa
CNIC No:17201-6239009-5

Identified By:


18/02/2023

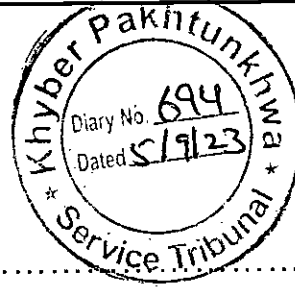
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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**C.M NO.****IN****Service Appeal No.1900/2022**

Mr. Mir Azam Khan,

**SCANNED
KPST
Peshawar**

APPELLANT

VERSUSGovernment of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,
Peshawar & others

RESPONDENTS

**APPLICATION FOR EARLY HEARING IN THE SUBJECT
SERIVCE APPEAL No.1900/2022**

RESPECTFULLY SHEWETH:

1. That the instant appeal was fixed for preliminary hearing on 28-12-2022 and next date 16-02-2023 before the August Khyber Pakhtunkhwa Service Tribunal Peshawar and considered for full argument on the next date of hearing. However, no court proceeding in the case has been made in the following date as per detail given below:-

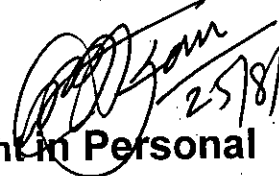
S.No	Date hearing	Status of the case
1.	28-12-2022	adjourned without any discussion
2.	16-02-2023	-do-
3.	22-05-2023	-do-
4.	15-08-2023	adjourned due to court holy day

2. That the subject appeal is fixed for arguments on 17-11-2023.
3. That in the instant appeal the appellant prayer that on acceptance of this appeal, the Finance Department, Khyber Pakhtunkhwa notification dated 29-11-2019 and letter dated 12-07-2022 may kindly be set aside and the respondents may further be directed to consider the appellant for promotion to the post of Assistant Treasury Officer (BPS-17) from the date when his junior were

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promoted, any other remedy which this Hon'ble Tribunal deems fit may also be awarded in favour of appellant.

4. That the appellant is near to retirement on attaining the age of superannuation and promotion cases of the juniors Assistant Accountant of Treasury Establishment are initiated by the respondents, which is in pipeline, due to which the appellant will compel for further litigation and due to non finalization of my case, I will be faced heavy financial loss, which is against the law of justice.
5. That appellant is most senior Assistant Account of Treasury Establishment Khyber Pakhtunkhwa and counterpart Assistant Accountant and Sub Accountant promotion cases were pending/suspend with effect from 29-11-2018, due to instant appeal. Furthermore, it is pertinent to mention that number of employees alongwith appellant are going to be retired from Government service in near future, therefore, they are facing great hardship due to processing their promotion case under the rules.
6. That the appellant is diabetic patient and suffering from hypertension.

It is, therefore, most humbly prayed that on interest of justice the subject application may please be accepted and next date of hearing in the subject appeal may be fixed in the month of August, 2023 or 1st week of September, 2023 instead of 17-11-2023.


Appellant in Personal

Through

AFFIDAVIT

I, solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honorable Tribunal.


Deponent

Cell no 03409847343

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

PROFORMA FOR EARLY HEARING

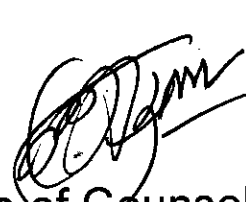
FORM-A

TO BE FILED BY THE COUNSEL/APPLICANT

S.No	Case No	1900/2022		
1.	Case Title	Mr. Mir Azam Khan, VERSUS Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar & others		
2	Date of institution	952/2019	(01-07-2019)	
3.	Bench	SB	DB ✓	
4.	Case status	Fresh	Pending ✓	
5.	Stage	Notice	Reply	Argument ✓
6.	Urgency to clearly stated			
7.	Nature of the relief sought			
8.	Next date of hearing	17-11-2023		
9.	Alleged Target Date			
10	Counsel for	Petitioner	Respondent	In Person

NFA

A
05/09/23


in person

Signature of Counsel/Party

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

PROFORMA FOR EARLY HEARING

FORM-B

**SCANNED
KPST
Peshawar**

1. Early hearing _____ P/202
2. In case No.1900 P/2022
3. Mr. Mir Azam Khan, **VERSUS** Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar & others
4. Presented by Taimur Ali Khan advocate on behalf of Mir Azam Khan Entered in the relevant Register _____
5. Put up alongwith main case _____

6.	Last date fixed	17-11-2023
7.	Reason(s) for last adjournment, if any by the Branch Incharge	
8.	Date (s) fixed in the similar matter by the Branch incharge	
9.	Available dates Readers/Assistant Registrar Branch	

Assistant Registrar



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**Directorate of Treasuries &Accounts
Khyber Pakhtunkhwa**

Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road,
Peshawar, Phone & Fax: 091-9211856

No.1-68/23/S.Tribunal

Dated Peshawar the2023

AUTHORITY LETTER

Mr. Syed Naem Ullah Shah, Asstt. Acctt., o/o District
Comptroller of Accounts, Peshawar is hereby nominated and authorized to attend
the honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on
15-08-2023 in appeal **No. 1900/2022** titled
Mir Azam Khan Vs Government of Khyber Pakhtunkhwa &
Others on behalf of Respondent No. 03. i.e. Director Treasuries & Accounts,
Khyber Pakhtunkhwa, Peshawar.

He is also authorized to submit all sort of documents, statements and
replies etc in the said court, on behalf of Director Treasuries and Accounts,
Khyber Pakhtunkhwa.


**Director
Treasuries & Accounts
Khyber Pakhtunkhwa**
**Director
Treasuries & Accounts
Khyber Pakhtunkhwa
Peshawar**

(73)
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR
APPEAL NO. 1900 /2022**

SCANNED
KPST
Peshawar

29/11/23

Mr. Mir Azam Khan, Assistant Accountant (BPS-16),
Treasury Establishment, Finance Department, Peshawar.

..... (APPELLANT)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and Others.

..... (RESPONDENTS)

**APPLICATION FOR SUBMISSION OF THE ADDITIONAL DOCUMENTS AS
DIRECTED BY HONORABLE TRIBUNAL DATED 17.11.2023.**

INDEX

S#	Description of Documents	Annexure	Page
1	Govt. of Khyber Pakhtunkhwa, Finance Department Notification No. SO(ESTT)FD/1-55/Promotion/ATO/2018 dated 29-11-2018	I	1-2
2	Copy of the Working Paper for Promotion of Assistant Accountant (BS-16) to the Post of Assistant Treasury Officer/Sub Treasury Officer (BS-17)	II	3-5
3	Copy of the Minutes of the Departmental Promotion Committee held on 23-10-2018	III	6-9
5	Affidavit		10
6	Authority		11

Deponent

(Said Akbar)

Director

Treasuries & Accounts
Khyber Pakhtunkhwa
CNIC No. 14203-2053381-1

N.D.

21-12-23

Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
Dated Pesh: the 29-11-2018

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SCANNED
KPST
Peshawar

29/11/23

NOTIFICATION

NO.SO(ESTT)FD/1-55/Promotion/ATO/2018. On the recommendation of Departmental Promotion Committee, the competent authority has been pleased to promote / appoint the following Assistant Accountants (BS-16) of Khyber Pakhtunkhwa Treasury Establishment to the posts of Assistant Treasury Officers/Sub-Treasury Officers (BS-17) on regular / acting charge basis with immediate effect, in the public interest. Officers at S.No. 01 to 10 will be on probation for one year extendable through specific order by the competent authority:-

Sl.#	Name of Officers	
1	Saadat Nawaz,	on regular basis
2	S.Mushtaq Ali Shah,	on regular basis
3	Noor Muhammad,	on regular basis
4	Amir-ud-Din,	on regular basis
5	Saleem Dad Khan,	on regular basis
6	Ayub ur Rehman,	on regular basis
7	Muhammad Ramzan,	on regular basis
8	Asad Ali Shah,	on regular basis
9	Bilal Ahmad Atif,	on regular basis
10	Lal Zada,	on regular basis
11	Kashif Sultan,	on acting charge basis
12	Waheedullah,	on acting charge basis
13	Sher Andaz,	on acting charge basis
14	Tariq Mehmood Abid,	on acting charge basis
15	Abdul Hameed,	on acting charge basis

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9570

Dated 29-11-2018

2. Consequent upon above, the following posting / transfer are made henceforth:

Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar

S.#	Name of officers	From	To	Remarks
1	Saadat Nawaz	District Comptroller of Accounts, DIKhan	District Accounts Office, Nowshera	Against vacant post
2	S.Mushtaq Ali Shah	District Comptroller of Accounts, Peshawar	District Comptroller of Accounts, Peshawar	Against vacant post of Assistant Treasury Officer.
3	Noor Muhammad	District Accounts Office, Dir (L)	District Accounts Office, Chitral	Against vacant post
4	Amir-ud-Din	District Accounts Office, N.W. District Miranshah.	District Accounts Office, N.W. District Miranshah.	Vice S.No.5
5	Saleem Dad Khan	District Accounts Office, NW District Miranshah.	District Comptroller of Accounts, Bannu	Vice S.No.06.
6	Ayub ur Rehman	District Comptroller of Accounts, Bannu.	District Accounts Officer, Kurram	Against vacant post
7	Muhammad Ramzan	District Accounts Office, Tank.	District Accounts Office, Tank.	Retained on the same post on regular promotion.
8	Asad Ali Shah	BISE Abbottabad (on deputation)	BISE Abbottabad (on deputation)	Allowed to continue on the same post, till the completion of deputation period.

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9	Bilal Ahmad Atif	District Accounts Office, Tor Ghar	District Accounts Office, Tor Ghar	Retained on the same post on regular promotion.
10	Lal Zada	District Accounts Office, Dir (L)	District Accounts Office, Dir (L)	Retained on the same post on regular promotion.
11	Kashif Sultan	District Accounts Office, Dir (U)	District Accounts Office, Dir (U)	Retained on the same post on acting charge basis.
12	Waheedullah	District Accounts Office, South Waziristan at Tank	District Comptroller of Accounts, Mardan	Vice S.No.16
13	Sher Andaz	District Comptroller of Accounts, Bannu.	District Accounts Office, Shangla.	Against vacant post
14	Tariq Mehmood Abid	District Accounts Office, Hangu.	District Comptroller of Accounts, Kohat.	Against the post of Mr. Qasim Mehmood who proceeded on study leave for one year.
15	Abdul Hameed	District Accounts Office, Charsadda	District Accounts Office, Charsadda	Against vacant post of ATO.
16	Said Ali Shah	District Comptroller of Accounts, Mardan	District Accounts Office, Buner	Against vacant post


**SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

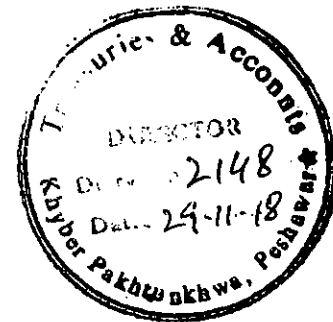
NO.SO (ESTT)FD/1-55/Promotion/ATO/2018

Dated 29-11-2018.

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. Director Treasuries and Accounts Khyber Pakhtunkhwa.
3. The Chairman, Board of Intermediate, Abbottabad.
4. District Comptroller of Accounts, Bannu, Peshawar, Mardan, Dikhan & Kohat.
5. District Accounts Officers, Dir (L), Kurram, Tank, Tor Ghar, NW District Miranshah, Nowshera, Chitral, Dir (U), Buner, SW at Tank, Shangla, Hangu & Charsadda.
6. PS to Minister for Finance.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Finance.
9. PA to AFS (Admn.) / PCIA, Finance Deptt.:
10. Officers concerned.
11. Office Order file.


 Section Officer (Estt.) Deputy Director
 Treasuries & Accounts,
 Khyber Pakhtunkhwa Peshawar



spe.

pl place in relevant file.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

3

WORKING PAPER

Subject:

PROMOTION / APPOINTMENT OF ASSISTANT ACCOUNTANT (BPS-16) TO THE POST OF ASSISTANT TREASURY OFFICER / SUB TREASURY OFFICER (BPS-17) ON REGULAR / ACTING CHARGE BASIS.

There are 48 sanctioned posts of Assistant Treasury Officers/Sub Treasury Officers (BPS-17) in the Treasury Establishment Khyber Pakhtunkhwa (Annex-I). Out of these 48 posts, 08 posts are lying vacant due to retirement / promotion of the following Officers.

Retired Officer

- i. Mr. Muhammad Aslam Assistant Treasury Officer (Non SAS) on 16-05-2018 (Annex-II).
- ii. Mr. Saeed Khan Assistant Treasury Officer (Non SAS) on 03-06-2018 (Annex-III).
- iii. Mr. Saif-ur-Rehman Assistant Treasury Officer (Non SAS) on 28-06-2018 (Annex-IV).
- iv. Mr. Siraj-ul-Islam Assistant Treasury Officer (SAS) on 31-07-2018 (Annex-V)

Promoted Officer.

The following Assistant Treasury Officers (BPS-17) have been promoted to the post of District Accounts Officer (BPS-18) on regular basis (Annex-VI).

- v. Mr. Itbar Khan Assistant Treasury Officer (SAS).
- vi. Mr. Rab Nawaz Assistant Treasury Officer (SAS).
- vii. Mr. Aftab Ahmad Assistant Treasury Officer (SAS).
- viii. Mr. Syed Sadiq Hussain Assistant Treasury Officer (Non SAS).

2. Under S. No-2, column 6 of the Khyber Pakhtunkhwa Treasuries (Recruitment & Appointment) Rules, 1981, amended up to 2018 (Annex- VII), the post of ATO/STO BS-17 is required to be filled in as under i.e.:-

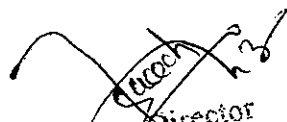
- A. Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS Examination.
- B. Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Assistant Accountant.
- C. Twenty per cent by initial recruitment:

3. It is relevant to mention that in light of Khyber Pakhtunkhwa Service Tribunal, Peshawar Judgment in appeal No.301/2009 dated 16.07.2009, 60% vacancies of Assistant / Sub-Treasury Officers (BS-17) reserved for SAS qualified Assistant / Sub -Accountant shall be filled in on-the basis of their seniority fixed with respect to the dates of their passing of the S.A.S examination, and not on their simple seniority as Assistant Accountant (Annex-VIII).

4. Category wise position of total, filled & vacant posts are as under:

Description	Quota reserved for appointment/Promotion of ATO/STO B-17 as per service Rules			Total
	Category-I 60% by promotion on the basis of PIPFA or SAS examination for Assistant Accountant.	Category-II 20% by promotion on the basis of seniority-cum-fitness for Assistant Accountants	Category-III 20% by initial recruitment	
Posts required to be filled in against each	(28.8 rounded up to) 29	(9.6 rounded up to) 10	(9.6 rounded up to) 9	48
Filled / Occupied posts	25	06	9	40
Vacant posts	04	04	00	08

5. To fill in 04 post of Assistant / Sub Treasury Officer of the category I, a Panel-A of undernoted 08 (Eight) SAS qualified Assistant Accountants as per passing of SAS examination (Annex - IX), is placed for consideration before the committee, for promotion amongst 04 four of them to the post of ATO / STO (BS-17) on regular basis against the quota reserved for Category -I


Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar

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Panel-A (SAS qualified Asstt: Acctt :)

S No.	Name & Designation	Remarks
01	Asad Ali Shah (Already working as ATO on acting charge Basis)	Eligible for promotion as ATO/STO (BPS-17) on regular basis.
02	Lal Zada (Already working as ATO on acting Charge Basis)	Eligible for promotion as ATO/STO (BPS-17)
03	Ayub ur Rehman (Already working as ATO on acting Charge Basis)	Eligible for promotion as ATO/STO (BPS-17)
04	Muhammad Ramzan (Already working as ATO on acting Charge Basis)	Eligible for promotion as ATO/STO (BPS-17)
05	Bilal Ahmad Atif (Already working as ATO on acting Charge Basis)	Eligible for promotion as ATO/STO (BPS-17)
06	Saleem Dad Khan (Already working as ATO on acting Charge Basis)	Eligible for promotion as ATO/STO (BPS-17)
07	Said Ali Shah (Already working as ATO on acting Charge Basis)	Eligible for promotion as ATO/STO (BPS-17)
08	Naveed Iqbal (Already working as ATO on acting Charge Basis)	Eligible for promotion as ATO/STO (BPS-17)

To fill in 04 vacant post of Category II a Panel-B of undernoted 08 (Eight) Senior most Assistant Accountants (BS -16) at S. No. 5, 6, 9, 11, 12, 13, 14 and 16 as per notified seniority list (Annex -X), are placed for consideration before the committee, for promotion amongst 04 four of them to the post of ATO / STO (BS-17) on regular basis against the quota reserved for Category -II i.e. Assistant Accountants (BPS-16) on the basis of seniority cum fitness. The reasons are mentioned against each of the following Assistant Accountants who have not been proposed for promotion.

- The Assistant Accountants at S. No. 1 & 4 M/S. Saeed Khan & Saif-ur-Rehman have already been promoted to the post of Assistant Treasury Officer (BPS-17) & also retired on superannuation (Annex-III & IV).
- The Assistant Accountant at S. No. 2 Mr. Naimat Ullah Assistant Accountant (BPS-16) has already been promoted to the post of Assistant Treasury Officer BPS-17 (Annex-XI).
- The Assistant Accountants at S. No. 3, 7, 8, 10 and 15 have been retired from Government Service on superannuation/retiring (Annex-XII, XIII, XIV, XV and XVI).

Panel-B (Non SAS qualified Asstt: Acctt :)

S No.	Name & Designation	Remarks
01	Sadat Nawaz Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17) on regular basis.
02	S. Mushtaq Ali Shah Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17) on regular basis.
03	Noor Muhammad Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17) on regular basis.
04	Amir -Ud-Din Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17) on regular basis.
05	Tariq Mehmood Abid Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17)
06	Abdul Hameed Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17)
07	Ihsanullah Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17)
08	Niamatullah Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17)

6. Besides above 08 Nos. of regular posts, 05 posts of Assistant Treasury Officer (BPS-17) are also laying vacant due to the following reasons.

Head
Khyber Pakhtunkhwa Peshawar

Category-III

- i. Mr. Mustafa Khan-ATO (PSC) on deputation to Food safety Commission (Annex-XVII).

Category-I

- i. Mr. Noor ul Ameen ATO (SAS) on deputation to Service Tribunal (Annex-XVIII).
ii. Mr. Abdul Waheed ATO (SAS) promoted as DAO on acting Charge Basis } (Annex-XIX)
iii. Mr. Hidayatullah ATO (SAS) promoted as DAO on acting charge basis }
iv. Mr. Roohullah ATO (SAS) Promoted as DAO on acting charge basis }

7. The 05 vacant posts of Assistant Treasury officer mentioned vide para-6 are proposed for promotion on acting charge basis 04 from panel-C and 01 from panel-D below.

Panel-C (SAS qualified Asstt: Acctt (Annex-IX) for appointment on Acting charge basis.


S.No.	Name & Designation		Remarks
01	Hazrat Younas Assistant Accountant (BPS-16)	SAS 2009	Not eligible for promotion as the officer is on probation w.e.f 25-05-2018 for a period of one year.
02	Kashif Sultan Assistant Accountant (BPS-16)	SAS 2013	Eligible for promotion as ATO/STO (BPS-17) on acting Charge basis.
03	Waheed ullah Assistant Accountant (BPS-16)	SAS 2015	Eligible for promotion as ATO/STO (BPS-17) on acting Charge basis.
04	Mr. Sher Andaz, Assistant Accountant (BPS-16)	SAS 2015	Eligible for promotion as ATO/STO (BPS-17) on acting Charge basis
05	Zakir ullah Assistant Accountant (BPS-16)	SAS 2015	Eligible for promotion as ATO/STO (BPS-17) on acting Charge basis
06	Qamar ul Ahsan Assistant Accountant (BPS-16)	SAS 2015	Eligible for promotion as ATO/STO (BPS-17)
07	Asad ullah Assistant Accountant (BPS-16)	SAS 2015	Eligible for promotion as ATO/STO (BPS-17)
08	Shah Hussain Assistant Accountant (BPS-16)	SAS 2015	Eligible for promotion as ATO/STO (BPS-17)


Panel-D (Non-SAS qualified Asstt: Acctt Annex-X) for appointment on Acting charge basis.

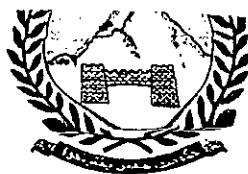
S.No.	Name & Designation	Remarks
01	Tariq Mehmood Abid Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17) on acting Charge basis.
02	Abdul Hameed Assistant Accountant (BPS-16)	Eligible for promotion as ATO/STO (BPS-17)

8. It is certified that:

- i. The above officers hold the post of Assistant Accountant (BS-16) on regular basis.
ii. The inter se seniority of the officers mentioned in Para-5 & 7 is final / undisputed.
iii. Attested copies of the Synopsis from their PER along with complete bio-data of the above officers are placed on board at (Annex-XX).
iv. Neither any disciplinary action / departmental proceedings/Anti-corruption cases/Judicial enquiries are pending against the officers nor any penalty has been imposed upon the officers mentioned at Para 5, & 7 except Mr. Hazrat Younas at S. No. 1 of Panel -D, who was demoted from the post of Assistant Accountant (BS-16) to Sub Accountant (BS-14) during 2008-09 and now again promoted to the post of Assistant Accountant (BS-16) in 2018.


DIRECTOR
TREASURIES & ACCOUNTS
KHYBER PAKHTUNKHWA


Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING

- Subject: i) PROMOTION / APPOINTMENT OF ASSISTANT ACCOUNTANT (BS-16) TO THE POST OF ASSISTANT TREASURY OFFICER (BS-17)
 ii) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BS-17)
 iii) PROMOTION OF SERIOR CLERK (BS-14) TO THE POST OF ASSISTANT (BS-16)

Agenda item No. (i)

The Departmental Promotion Committee meeting on the subject was held on 23-10-2018 at 1030 hours, under the chairmanship of Special Secretary, Finance Department in his office. The following attended:-

- i) Mr. Masood Younas, Special Secretary, Finance Department. In chair
 ii) Mr. Musharraf Khan, Addl: Secretary (Reg:), Finance Department.
 iii) Mr. Nasrullah Khan, Director Treasuries & Accounts, Khyber Pakhtunkhwa
 iv) Mr. Muhammad Aman, D.C.(PIAC)/ D.S.(Estt), Finance Department.
 v) Mr. Saifullah Khan, Section Officer (Reg: VI), Establishment Department.

2. The chair welcomed the participants and invited Director Treasuries & Accounts to brief the meeting about the proposed promotions. Director Treasuries & Accounts appraised the meeting that there are total 51 sanctioned posts of Assistant / Sub Treasury Officers, out of which 11 clear posts are laying vacant i.e. 04 due to retirement & 04 due to promotion of ATOs, to the post of District Accounts Officer (BS-18) while 03 posts are newly created. Besides these 11 clear vacancies 05 more posts are also laying vacant, 03 due to appointment of 03 ATOs to the post of DAOs on acting charge basis and 02 due to posting of 02 officers on deputation basis to other departments. He further added that according to column-6 of S.No.6 of the Khyber Pakhtunkhwa Treasuries (Recruitment & Appointment) Rules, 1981 amended upto 2018, the method of recruitment for the post of Assistant/Sub Treasury Officer is as under:-

- a) sixty per cent by promotion, on the basis of seniority cum fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS Examination;
 b) Twenty per cent by promotion, on the basis of seniority cum fitness, from amongst the Assistant Accountants.
 c) Twenty per cent by initial recruitment.

3. In light of the prescribed method of recruitment, two panels of Assistant Accountant (BS-16) i.e. one for category (a) PIPFA / SAS qualified and second for category (b) Non-SAS Assistant Accountants from the notified seniority list of Assistant Accountant were placed before the Departmental Promotion Committee for consideration. After proper perusal of service record, synopsis of PER etc of the officers proposed in the panels, committee recommended the following 15 Assistant Accountants (BS-16) for promotion / appointment to the posts of Assistant / Sub Treasury Officer (BS 17) on regular / acting charge basis:-

S#	Name	Recommendation of Departmental Promotion Committee
1	Asad Ali Shah	His date of birth is 12-07-1968. He joined Govt: service on 30-04-1995 and promoted to BS-16 on 09-08-2012. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2007. He is already working as Assistant Treasury Officer on acting charge basis. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of SAS qualification.

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2	Lal Zada	His date of birth is 30-04-1972. He joined Govt: service on 03-12-1995 and promoted to BS-16 on 09-08-2012. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2007. He is already working as Assistant Treasury Officer on acting charge basis. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis SAS qualification.
3	Ayub ur Rehman	His date of birth is 01-01-1968. He joined Govt: service on 29-07-1993 and promoted to BS-16 on 09-08-2012. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2009. He is already working as Assistant Treasury Officer on acting charge basis. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of SAS qualification.
4	Muhammad Ramzan	His date of birth is 08-01-1965. He joined Govt: service on 13-12-1988 and promoted to BS-16 on 09-08-2012. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2009. He is already working as Assistant Treasury Officer on acting charge basis. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of SAS qualification.
5.	Bilal Ahmad Atif	His date of birth is 16-01-1973. He joined Govt: service on 30-04-1995 and promoted to BS-16 on 09-08-2012. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2009. He is already working as Assistant Treasury Officer on acting charge basis. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of SAS qualification.
6.	Saleem Dad Khan	His date of birth is 02-01-1965. He joined Govt: service on 20-09-1987 and promoted to BS-16 on 24-01-2008. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2013. He is already working as Assistant Treasury Officer on acting charge basis. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of SAS qualification.
7.	Saadat Nawaz	His date of birth is 21-03-1960. He joined Govt: service on 11-07-1982 and promoted to BS-16 on 03-09-1995. No inquiry is pending against him. His service record is generally good. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of seniority-cum-fitness.
8.	S.Mushtaq Ali Shah	His date of birth is 10-03-1961. He joined Govt: service on 03-12-1995 and promoted to BS-16 on 09-08-2012. No inquiry is pending against him. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of seniority-cum-fitness.
9.	Noor Muhammad	His date of birth is 30-04-1972. He joined Govt: service on 11-02-1981 and promoted to BS-16 on 10-09-1995. No inquiry is pending against him. His service record is generally good. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of seniority-cum-fitness.
10.	Amir-ud-Din	His date of birth is 03-03-1959. He joined Govt: service on 06-12-1982 and promoted to BS-16 on 04-06-2002. No inquiry is pending against him. His service record is generally good. The committee recommended the officer for regular promotion as Assistant Treasury Officer (BS-17) on the basis of seniority-cum-fitness.

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Director
Khyber Pakhtunkhwa Peshawar

11.	Hazrat Younas	His date of birth is 20-03-1959. He joined Govt: service on 23-12-1984 and promoted to BS-16 on 25-05-2018 . No inquiry is pending against him. His service record is generally good. The committee considered the officer and defer his promotion, being on probation till 24-05-2019.
12	Kashif Sultan	His date of birth is 21-09-1979. He joined Govt: service on 05-06-2004 and promoted to BS-16 on 21-4-2017. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2013. The committee recommended the officer for appointment as Assistant Treasury Officer (BS-17) on acting charge basis.
13	Waheedullah	His date of birth is 13-01-1984. He joined Govt: service on 01-06-2004 and promoted to BS-16 on 21-04-2017. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2013. The committee recommended the officer for appointment as Assistant Treasury Officer (BS-17) on acting charge basis.
14	Sher Andaz	His date of birth is 15-12-1965. He joined Govt: service on 10-11-1981 and promoted to BS-16 on 07-01-2006. No inquiry is pending against him. His service record is generally good. He passed SAS examination in 2015. The committee recommended the officer for appointment as Assistant Treasury Officer (BS-17) on acting charge basis.
15	Tariq Mehmood Abid	His date of birth is 16-02-1959 . He joined Govt: service on 11-06-1983 and promoted to BS-16 on 04-06-2002. No inquiry is pending against him. His service record is generally good. The committee recommended the officer for appointment as Assistant Treasury Officer (BS-17) on acting charge basis.
16	Abdul Hameed	His date of birth is 20-05-1959 . He joined Govt: service on 04-03-1982 and promoted to BS-16 on 20-11-2003. No inquiry is pending against him. His service record is generally good. The committee recommended the officer for appointment as Assistant Treasury Officer (BS-17) on acting charge basis.

AGENDA ITEM NO. (ii)

Subject: PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BS-17)

4. Director T&A apprised the meeting that there is one posts of Superintendent (BS-17) in the Directorate of Treasuries & Accounts, which is lying vacant due to non-finalization service rules. Now the service rules for the said post have been notified, according to which the method of recruitment for the post of Superintendent is as under:-

"By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers, having five (05) years services as such".

Note:- For the purpose of promotion a joint seniority list of Assistant and senior scale stenographers shall be maintained.

5. Director T & A, further clarified that total sanctioned posts of Assistant (BS-16) are four (04) and senior scale stenographer (BS-16) is one (01) however, at present only one assistant is working while the remaining posts of assistant & senior scale stenographer are lying vacant. Director requested the committee to consider the appointment of Mr. Kaleem Ullah Assistant (BS-16) to the post of Superintendent (BS-17) on acting charge basis.

6. In the light of prescribe procedure and after proper perusal of service record, synopsis of PER etc of the above named Assistant, it is observed that he has not yet completed the 05 years service, as required for promotion to the post of Superintendent. **Therefore, the committee recommended his appointment to the post of Superintendent (BS-17) on acting charge basis.**

Deputy Director
Treasuries & Accounts
Peshawar

Subject: PROMOTION OF SENIOR CLERK (BS-14) TO THE POST OF ASSISTANT (BS-16)


7. Director Treasuries & Accounts apprised the meeting that there are 04 sanctioned posts of Assistant (BS-16), out of which 03 posts are lying vacant due to non-finalization of service rules. The said service rules has been notified on 10.08.2018, according to these rules the method of recruitment to the post of Assistant are as under:-


- a) seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks, with five (05) years services as Junior Clerk and senior Clerk and
- b) Twenty-five per cent by initial recruitment.

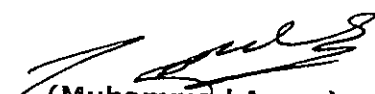
8. Director T & A, further clarified that there are 06 sanctioned posts of Senior Clerk (BS-14) in the Treasuries Establishment, however, at presently only one Senior Clerk Mr. Shahid Hassan, is available in the panel for promotion the remaining posts are lying vacant. He requested the committee to consider suitability of above name senior clerk for promotion to the post of Assistant (BS-16).

9. In the light of prescribed method and after proper perusal of service record, synopsis of PERs etc, **the committee recommended the promotion of Mr. Shahid Hassan, Senior Clerk (BS-14) to the post of Assistant (BS-16) on regular basis.**

10. The meeting ended with a vote of thanks to and from the chair.



(Saifullah Khan)
S.O. (R-VI)

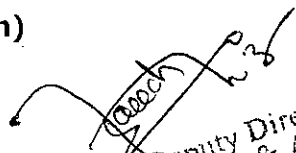

(Musharraf Khan)
Addl: Secy: (Reg:)


(Muhammad Aman)
D.C.(PIAC)/DS (Estt:)


(Nasrullah Khan)
Director T&A


(Masood Younas)
Special Secretary Finance


(Shakeel Qadir Khan)
Secretary, Finance


Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR
APPEAL NO. 1900 /2022

Mr. Mir Azam Khan, Assistant Accountant (BPS-16),
Treasury Establishment, Finance Department, Peshawar.

..... (APPELLANT)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and
Others.

..... (RESPONDENTS)

**APPLICATION FOR SUBMISSION OF THE ADDITIONAL DOCUMENTS AS
DIRECTED BY HONORABLE TRIBUNAL DATED 17.11.2023.**

AFFIDAVIT

I, Said Akbar Director, Treasuries & Accounts Khyber Pakhtunkhwa
(BPS-19), do hereby solemnly affirm and declare on Oath that the documents
placed on record in light of order/directions of the Honorable Service Tribunal
Khyber Pakhtunkhwa dated 17.11.2023 on behalf of the respondent No. 1 to 3
are true and correct to the best of my knowledge & belief and that nothing has
been concealed from this Honorable Court.

Deponent

(Said Akbar)

Director

Treasuries & Accounts
Khyber Pakhtunkhwa
CNIC No.

Identified By:

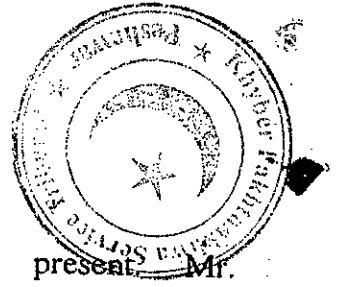
14203-2053381-1

ATTESTED



84

1900-22



17.11.2023

Appellant alongwith his counsel present, Mr.

Hashmatullah, Superintendent alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

At the very start of arguments of learned counsel for the appellant, it was observed that the working paper as well as minutes of the Departmental Promotion Committee pertaining to the impugned promotion order have not been submitted by either party. The availability of the said documents before the Tribunal are necessary for just and right decision of the appeal in hand, therefore, representative of the respondents shall submit the same within fortnight and to come up for arguments on 21.12.2023 before the D.B. Parcha Peshi given to the parties.

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 28/11/23
Number of Words 17
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name of Copyist retul
Date of Completion 28/11/23



85
**Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa**

Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road,
Peshawar, Phone & Fax: 091-9211856

No.1-68/23/S.Tribunal

Dated: 28.11.2023

AUTHORITY LETTER

Syed Naeem Ullah Shah, Assistant Accountant (BPS-17) o/o the District Comptroller of Accounts, Peshawar is hereby nominated and authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in appeal No. **1900/2022** titled Mir Azam Khan Vs Government Khyber Pakhtunkhwa & Others on behalf of Respondent No.03 i.e. Director Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.

He is also authorized to submit all sort of documents, statements, comments and replies etc in the said court, on behalf of Director Treasuries and Accounts, Khyber Pakhtunkhwa.


**Director
Treasuries & Accounts
Khyber Pakhtunkhwa**

Director
Treasuries & Accounts
Khyber Pakhtunkhwa
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPFD](https://www.facebook.com/GoKPFD)

twitter.com/GoKPFD

ORDER

NO:SO(ESTT-I)FD/1-5/2022. WHEREAS, the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar in its judgement dated 17.10.2022 in Service Appeal No. 952/2019 has directed the appellate Authority to decide departmental appeal of the appellant viz Mir Azam Khan Assistant Accountant (BS-16) through a speaking order.

2. **AND WHEREAS**, the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar in its decision dated 16.07.2009 in service appeal No.301/2009 had decided that **"the vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of the S.A.S examination and not on their simple seniority as Assistant Accountants"**.

3. **AND WHEREAS**, the private respondent No.4 to 7 in the service appeal No.952/2019 namely Mr. Asad Ali Shah, Mr. Lal Zada, Mr. Kashif Sultan & Mr. Waheed Ullah had passed SAS examination in the year 2007 and 2013 respectively while the appellant (Mir Azam Khan) had passed SAS examination on 15.01.2018.

4. **AND WHEREAS**, the private respondent had been promoted to the post of Assistant/Sub Treasury Officer (BS-17) in light of the service rules of the cadre as well as decision of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 16.07.2009 in service appeal No.301/2009.

5. **AND WHEREAS**, the appellant (Mir Azam Khan) was contacted through his cell # **03469847343** to appear before the appellate authority for hearing his grievances however, the appellant did not appear before the appellate authority.

6. **NOW, THEREFORE, I, AMER SULTAN TAREEN**, Secretary Finance, Khyber Pakhtunkhwa after examining all the relevant rules, decision of the Hon'ble Khyber Pakhtunkhwa Service Tribunal in service appeal No.301/2009 dated 16.07.2009, record and materials placed on file, do hereby dispose of the departmental appeal of the appellant namely Mir Azam Khan, Assistant Accountant (BS-16), being devoid of legal merit and against the existing rules as well as decision of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar as referred above.

(AMER SULTAN TAREEN)
SECRETARY FINANCE

Dated Peshawar the: 18.03.2024

Endst: No: even

Copy forwarded to:

- The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- The Director Treasuries & Accounts, Khyber Pakhtunkhwa.
- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- Mir Azam Khan, Assistant Accountant (BS-16) presently posted at Pakistan Forest Institute, Peshawar.
- Master file.

SECRETARY FINANCE



98

**Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa**

Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road,
Peshawar, Phone & Fax: 091-9211856

No.1-68/23/S.Tribunal

Dated Peshawar the 15.02.2023

AUTHORITY LETTER

Mr. Muhammad Kashif, AD(I.T.), o/o Directorate of Treasuries & Accounts, Khyber Pakhtunkhwa Peshawar is hereby nominated and authorized to attend the honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on 16-02-2023 in appeal No. 1900/2022 titled Mir Azam Khan Vs Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar on behalf of Respondent No. 3 i.e. Director Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar.

He is also authorized to submit all sort of documents, statements and replies etc in the said court, on behalf of Director Treasuries and Accounts, Khyber Pakhtunkhwa.


**Director
Treasuries & Accounts
Khyber Pakhtunkhwa**

Director
Treasuries & Accounts
Khyber Pakhtunkhwa
Peshawar



99

**Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa**

Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road,
Peshawar, Phone & Fax: 091-9211856

No.1-68/23/S.Tribunal

Dated Peshawar the 22. 05. 2023

AUTHORITY LETTER

Mr. Muhammad Kashif Khan *Assistant Director IT (BS-17)* o/o Directorate
of Treasuries & Accounts, Khyber Pakhtunkhwa Peshawar is hereby nominated
and authorized to attend the honorable Khyber Pakhtunkhwa Service Tribunal
Peshawar on 22-05-2023 in appeal No. 1900/22
titled Mir Azam (Finance) Vs Government of Khyber
Pakhtunkhwa & Others on behalf of Respondent No. 03 i.e. Director Treasuries
& Accounts, Khyber Pakhtunkhwa, Peshawar.

He is also authorized to submit all sort of documents, statements and
replies etc in the said court, on behalf of Director Treasuries and Accounts,
Khyber Pakhtunkhwa.

**Director
Treasuries & Accounts
Khyber Pakhtunkhwa**
Treasuries & Accounts
Khyber Pakhtunkhwa
Peshawar

VAKALAT NAMA

100

NO. _____/2021

ANNEX
POST

IN THE COURT OF KP Service Tribunal, Peshawar

Mrs Azam Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

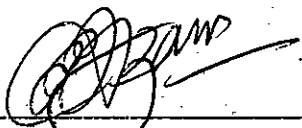
Chief Secretary & others (Respondent)
(Defendant)

I/We, Mrs Azam Khan

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.


I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021



(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar