

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 447 /2024

Muhammad Tariq Khalil, JSS Deputy Commissioner office D.I.Khna.....Appellant

V E R S U S

Senior Member Board of RevenueRespondent

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Dated /05/2024

RESPONDENT



**Senior Member Board of Revenue
Khyber Pakhtunkhwa Peshawar
Respondent No. 01.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 447 /2024

Muhammad Tariq Khalil, JSS Deputy Commissioner office D.I.Khna.....**Appellant**

V E R S U S

Senior Member Board of Revenue**Respondent**

AFFIDAVIT

I, Senior Member Board of Revenue, do hereby solemnly affirm and declare on oath that the contents of the accompanying parawise comments in the subject Service Appeal noted above are true and found correct and noting has been concealed from the Honorable Service Tribunal. Hence, it is further stated that in the subject Service Appeal, the answering respondents have neither been placed ex-parte nor their defense have been strucked off cost.


DEPONENT

7/5/2024
**Senior Member Board of Revenue
Respondent No. 01.**

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE AND ESTATE DEPARTMENT

AUTHORITY LETTER

Mr. Abdul Raheed, Superintendant, Litigation-II (BS-17) Board of Revenue, is hereby authorized to attend and submit parawise comments on the part of respondent No.1 before the Khyber Pakhtunkhwa Service Peshawar in Service Appeal No. 447/2024 filed by Muhammad Tariq Khalil, Junior Scale Stenographer off of the Deputy Commissioner D.I.Khna.


7/5/2024
Senior Member Board of Revenue
Respondent No. 01.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 447/2024.

Muhammad Tariq Khalil, Junior Scale Stenographer office of DC D.I.Khan Appellant.

VERSUS

Senior Member Board of RevenueRespondent.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT

RESPECTFULL SHEWETH.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the Appellant has been estopped by his own conduct to file the appeal.
4. The appellant has no locus standi to file the instant appeal.

FACTS.

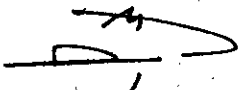
1. Incorrect. To create clarity in the rules, 50% quota has been given to both the cadres i.e. Junior Scale Stenographer and Computer Operator.
2. Incorrect. Initially the rules were silent regarding further promotion of Computer Operators therefore, rules were amended in 2015 to give opportunity of further promotion to the Computer Operators.
3. Incorrect. Key Punch Operator were not included in the said rules and only Computer Operators were given 40% quota in the District Cadre Ministerial Service Rules, 2015 (**Annexure-A**).
4. Incorrect. To create clarity in the rules, 50% quota has been given to both the cadres i.e. Junior Scale Stenographer and Computer Operator. Furthermore, a joint application was submitted by the Junior Scale Stenographers offices of the Deputy Commissioners of the Province which was filed being meritless.
5. No comments.

GROUND

- A. Incorrect. The rules were amended to give equal opportunity of promotion to the Computer Operators offices of the Deputy Commissioners of the Province. No violation was made, as it is the inalienable right of every Government Servant to be treated under the law, rules and policy.
- B. Incorrect. If 100% quota is given to Junior Scale Stenographer then what would be the fate of Computer Operators as they have no future prospects in terms of promotion. Therefore, to create clarity in the rules, 50% quota is given to the Computer Operators on 27.05.2022 (**Annexure-B**).
- C. Incorrect. In other departments I.T posts exist and the Computer Operators have no avenue for further promotion. In the Deputy Commissioner, offices there are no I.T posts available therefore, the Computer Operators were given 40% quota in the District Cadre Ministerial Service Rules, 2015 for further promotion to the post of Senior Scale Stenographer.

- D. Incorrect. A joint application was submitted by the Junior Scale Stenographers offices of the Deputy Commissioners of the Province which was filed being meritless.
- E. Incorrect. The rules were amended after convening the Standing Service Rules, Committee meeting and no illegality / irregularity has been committed.
- F. Incorrect. The said Notification was issued after Standing Service Rules Committee meeting.
- G. Incorrect. As explained in above (F).
- H. Incorrect. As replied above.
- I. The respondent will also submit additional grounds at the time of arguments.

Keeping in view the above, the appeal of the appellant having no legal grounds may very graciously be dismissed with costs.


IKRAM ULLAH KHAN
Senior Member, Board of Revenue
Respondent

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT

Peshawar Dated the 23/01/2015

NOTIFICATION

No. 2074/Estt:I/II/135/SSRC. In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department, in consultation with Establishment Department and the Finance Department, hereby lays down the method of recruitment qualification and other condition specified in column 3 to 5 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Deputy Commissioners specified in column 2 of the said Appendix.

APPENDIX

S.No	Nomenclature of posts with BPS	Minimum qualification for appointment by initial recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Superintendent (BPS-17)		...	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) of the district concerned with atleast five years service in the offices of respective Deputy Commissioner and Political Agents.

2.	Senior Scale Stenographer (BPS-16)	(i) At least Second Class Bachelor's Degree, from a recognized university; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and (iii) Knowledge of computer using MS Word, MS Excel.	20 to 32 years	(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers with atleast five years service as such in the offices of respective Deputy Commissioners and Political Agents; and (b) forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the offices of respective Deputy Commissioners and Political Agents: Provided that if no suitable person is available for promotion then by initial recruitment.
3.	Assistant (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 30 years	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with atleast five years service as Junior and Senior Clerk in the Offices of Deputy Commissioners and Political Agents of district concerned; and (b) twenty five percent by initial recruitment from amongst the candidates of the district concerned.
4.	Head Clerk (BPS-14)	By transfer from amongst Senior Clerks (BPS-14) of the district concerned.
5.	Stenographer (BPS-14)	(i) At least Second Class Intermediate or equivalent qualification from a recognized Board;	18 to 30 years	By initial recruitment from amongst the candidates of the district concerned.

		(ii) a speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and (iii) knowledge of computer in using MS Word, MS Excel.		
6.	Senior Clerk (BPS-14)	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the district concerned with atleast two years service as such.
7.	Computer Operator (BPS-12)	(i) At least Second Class Bachelor's Degree in Computer Science/ Information Technology(BCS/BIT four years), from a recognized university; (ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	18-to 28 years	By initial recruitment from amongst the candidates of the district concerned.
8.	Pesh Imam (BPS-12)	Sanad in Dars-e- Nizami or a Sanad of Fazail-e-Arabi Note: Preference will be given Hafiz-e-Quran.	18-to 32 years	By initial recruitment from amongst the candidates of the district concerned.
9.	Sub Engineer (BPS-11)	Diploma in Associate Engineering in Civil Technology from Board of Technical Education with certificate in Computer Aided Design (CAD) from recognized Institution.	18-30 years	By initial recruitment from amongst the candidates of the district concerned.
10.	Junior Clerk (BPS-11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to 30 years	(a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the district concerned with two years service as such, who have passed Secondary School Certificate Examination; and (b) sixty seven percent by initial recruitment from

the candidates of the district concerned.
Note: For the purpose of promotion there shall be maintain a common seniority list of Qasid and Naib Qasid etc with reference to the date of their appointment:

Provided that no separate seniority list of Matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment:

Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possession the requisite qualification shall be promoted in preference to the senior official or officials.

11.	Reader/Record Keeper (BPS-7)	At least second division in Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 30 years	By initial recruitment from amongst the candidates of the district concerned.
12.	Alhamad (BPS-5)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18-30 years	By initial recruitment from amongst the candidates of the district concerned.
13.	Driver (BPS-4)	Literate having LTV driving license issued by the competent authority. Preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18-32 years	By initial recruitment from amongst the candidates of the district concerned.
14.	Khadim (BPS-4)	Literate. Note: Preference will be given to Hafiz-e-Quran	18-32 years	By initial recruitment from amongst the candidates of the district concerned.


15.	Process Server (BPS-2)	Literate.	18-32 years	By initial recruitment from amongst the candidates of the district concerned.
16.	Qasid (BPS-2)		---	By promotion on the basis of Seniority-cum-fitness, from amongst the Naib Qasids with two years as such.
17.	Naib Qasid/ Chowkidar/Sw eeper/ Mali (BPS-1)	Literate.	18-32 years	By initial recruitment from amongst the candidates of the district concerned."

Sd/-
**SECRETARY TO GOVERNMENT OF
 KHYBER PAKHTUNKHWA
 REVENUE & ESTATE DEPARTMENT**

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, in Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.


**DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT**

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
	091-9213989	Peshawar Dated the <u>27/05/2022</u>

NOTIFICATION

No. Estt:II/SSRC/Distt:/CMSR/2022/ 15407 In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. Estt:I/II/135/SSRC/2033 dated 23.01.2015 (District Cadre), the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX, against serial No. 10,-

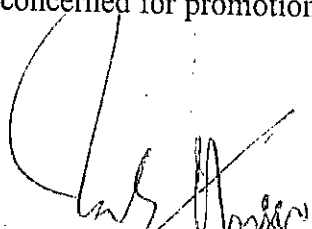
- (a) In Column No. 3, for clause (i), the following shall be substituted namely:
- “(i) Atleast F.A / F.Sc with second division or its equivalent qualification from a recognized Board; and”; and
- (b) In column No. 5, for clause (a), the following shall be substituted namely;
- (a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Qasids, Naib Qasids and Process Server including holders of other equivalent posts in the district concerned with two years service as such, who have passed F.A/F.Sc Examination or its equivalent qualification from a recognized Board with a speed of thirty (30) words per minute in typing.

Note: For the purpose of promotion, joint seniority list of Qasids, Naib Qasids and Process Servers including holders of other equivalent posts shall be maintained with reference to the date of their F.A/F.Sc qualification or appointment whichever is later.

Provided that:-

- (i) If two or more officials have acquired the FA/F.Sc qualification in same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post.
- (ii) Where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials:

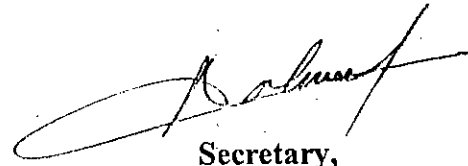
Provided further that the condition of F.A/F.Sc or its equivalent qualification from a recognized Board, as laid down above, shall not apply till the expiration of the period specified in the second proviso of Column No. 5 against Serial No. 4 of the Establishment Department's Notification No. SOE.IV(E&AD)/1-35/2014, dated 18.07.2019, the existing matriculate incumbents of the post of Qasids, Naib Qasids and Process Servers including holders of other equivalent posts in the district concerned for promotion to the post of Junior Clerk (BS-11)”.
W


Secretary to Government of Khyber Pakhtunkhwa
Revenue & Estate Department

No. Estt:II/SSRC/Distt:/CMSR/2022/ 15408-50

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. All Commissioners in Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. PS to Minister for Revenue & Estate Khyber Pakhtunkhwa.
8. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply hundred printed copies thereof to the undersigned for record.



**Secretary,
Board of Revenue, Revenue & Estate Department,
Khyber Pakhtunkhwa**