

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**SERVICE APPEAL NO. 1044/2023**

**Zabita Khan EX Director Information (Personal) (BPS-19) Directorate General  
Information & PRs Department..... Appellant**

**...VERSUS...**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, at Civil Secretariat, Peshawar.
2. Secretary Information and Public Relations Department, Govt. of Khyber Pakhtunkhwa, at Warsak Road Peshawar.
3. Secretary Establishment Department at Civil Secretariat, Peshawar.
4. Director General, Directorate General of Information & PRs, Khyber Pakhtunkhwa.
5. Provincial Selection Board through its Secretary.

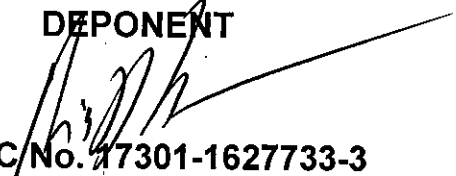
..... **Respondents**

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21-05-24  
Peshawar  
C.B.

**DEPONENT**

  
CNIC/No. 77301-1627733-3  
Contact No: 091-9213040  
0315-5737137

**Dated 20-05-2024**

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL, PESHAWAR**

**Re: Service Appeal No. 1044/2023**

**Zabita Khan EX Director Information (Personal) (BPS-19)**  
Directorate General Information & PRs Department

----- APPELLANT

...VERSUS...

1. Government of Khyber Pakhtunkhwa through Chief Secretary, at Civil Secretariat, Peshawar.
2. Secretary Information and Public Relations Department, Govt. of Khyber Pakhtunkhwa, at Warsak Road Peshawar.
3. Secretary Establishment Department at Civil Secretariat, Peshawar.
4. Director General, Directorate General of Information & PRs, Khyber Pakhtunkhwa.
5. Provincial Selection Board through its Secretary.

**RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1,3 &5.**

**RESPECTFULLY SHEWITH:**

**PRELIMINARY OBJECTIONS:**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12884

Dated 20-05-24

1. That the appellant has no cause of action/locus standi to file the instant appeal in the Hon'ble Court.
2. That no legal right of the appellant been infringed, therefore, the appeal is neither competent nor maintainable.
3. That the appellant has not come to the Tribunal with clean hands.
4. That the appeal is barred by Law and Limitation.
5. That the appeal is bad for misjoinder and non-joinder of necessary parties.

**ON FACTS:**

1. Correct: The appellant has served in Information and Public Relation Department as a Deputy Director (Information) in BPS – 19 (Personal).
2. Pertains to Record:
3. Incorrect and denied. The officer has served in Information & Public Relation Department for 30 years and not 40 years. The appellant himself mentioned in Para-2 that he joined Information & Public Relation Department on 29.5.1993 and stands retired on 09.02.2023.
4. Incorrect. According to Seniority List, at the time of retirement of the appellant, two other officers namely Mr. Salim Khan and Mr. Mubashir Raheem were senior to him, so the claim of the appellant being the senior most is not correct.
5. Correct to the extent that promotion case of the appellant was submitted by Information & Public Relation Department with the request to process his case by circulation. However, processing of promotion cases by circulation

is not covered under the rules/policy but only the discretion of competent authority. Moreover, consequent upon dissolution of Provincial Assemblies of Khyber Pakhtunkhwa and Punjab on 14<sup>th</sup> & 18<sup>th</sup> January, 2023 the Election commission of Pakistan vide its notification dated 22-01-2023 has also barred the Caretaker Provincial Government from posting, transfer and promotion of officers (**Annex-I**).

6. Incorrect and denied. The case of the appellant was processed but not approved by the competent authority and observed to re-examine the case in light of Election commission notification dated 22-01-2023 read with relevant provisions of the Election commission Act, 2017 and the Constitution of Islamic Republic of Pakistan 1973.
7. As already explained in the above paras-6.
8. Correct. The ECP acceded to the request of Establishment Department regarding posting/transfer and promotion on 11-03-2023 but, unfortunately, by that time, the appellant was no more in service and had retired a month ago on 08-02-2023.
9. As already explained in paras-8 above.
10. Correct to the extent that the officer was no more in service, therefore the name of the appellant was removed from the list.
11. No comments.
12. No comments.

#### **ON GROUNDS**

- A. Para A is incorrect and misleading as none of his contemporary has been promoted from the date of personal upgradation.
- B. The case of the appellant for promotion was processed as per prevailing Law & Rules.
- C. No Comments.
- D. As stated above in Paras-6, 7, 8 & 9 of the Facts.
- E. The appellant has not been deprived of his right and as such there is no violation on the part of Respondents. Paras- 6, 7, 8 and 9 of the Facts are referred.
- F. The respondents seek permission to raise additional grounds at the time of arguments.

It is, therefore, most humbly prayed before this Tribunal to dismiss the instant appeal, in favor of the Government.

(NADEEM ASLAM CHAUDRY)

for  
Chief Secretary,  
Khyber Pakhtunkhwa,  
(Respondent No.1&5)

Through  
Kaleem Ullah Baloch, Spl. SECY.

(ALI QADIR SAFI)

for  
Secretary,  
Establishment Department,  
(Respondent No. 3)

Through  
Kaleem Ullah Baloch, Spl. SECY.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**SERVICE APPEAL NO. 1044/2023**

**Zabita Khan EX Director Information (Personal) (BPS-19) Directorate General Information & PRs Department..... Appellant**

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2. Secretary Information and Public Relations Department, Govt. of Khyber Pakhtunkhwa, at Warsak Road Peshawar.
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4. Director General, Directorate General of Information & PRs, Khyber Pakhtunkhwa.
5. Provincial Selection Board through its Secretary.

..... **Respondents**

**AFFIDAVIT**

I, Kaleem Ullah Baloch, Special Secretary Establishment Department, do hereby solemnly declare that contents of the parawise comments are true and correct to the best of my knowledge and record and nothing has been concealed from this Hon'ble Court.

*it is further stated on oath that answering Respondent have neither been Deponent place ex-parte nor their defense struck off/cast.*

Through

(Nadeem Aslam Chaudhry)  
Chief Secretary, Khyber Pakhtunkhwa  
(Respondent No. 01)

(Kaleem Ullah Baloch)  
Special Secretary  
Establishment Department

**Identified By**

**Advocate General,  
Khyber Pakhtunkhwa,  
Peshawar.**

**ATTESTED**  
(Miss Nozima Qureshi)  
Advocate  
CATH COMMISSIONER  
Judicial Complex Peshawar

20-03-2024



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

**AUTHORITY LETTER**

Mr. Riaz Khan, Superintendent Litigation-III, Govt. of Khyber Pakhtunkhwa, Establishment Department is hereby authorized to submit Parawise Comments in the Khyber Pakhtunkhwa Service Tribunal, Peshawar in **“Service Appeal NO. 1044/2023 Title Zabta Khan Vs Govt. of Khyber Pakhtunkhwa & Others”** on behalf of the official respondent No.1.

**(Nadeem Aslam Chaudhry)**  
Chief Secretary, Khyber Pakhtunkhwa  
(Respondent No. 01)

Through

  
**(Kaleem Ullah Baloch)**  
Special Secretary  
Establishment Department

**ELECTION COMMISSION OF PAKISTAN**  
**NOTIFICATION**

Islamabad the 22<sup>nd</sup> January, 2023

**F.No.2(1)/2023-Cord.- WHEREAS,** the Provincial Assemblies of Punjab and Khyber Pakhtunhwa under Article 112 of the Constitution of the Islamic Republic of Pakistan stand dissolved on 14<sup>th</sup> and 18<sup>th</sup> January, 2023 respectively.

**AND WHEREAS,** the Election Commission of Pakistan is mandated with the constitutional duty to organize and conduct elections in terms of Article 218(3) of the Constitution and to make such arrangements as are necessary to ensure that the elections are conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against;

**AND WHEREAS,** it has become imperative that the Election Commission shall take all necessary steps under the Constitution and prevalent law for smooth conduct of General Elections to the Provincial Assemblies of Punjab and Khyber Pakhtunhwa.

**NOW THEREFORE,** in exercise of the powers conferred upon it under Articles 218(3), 220 of the Constitution of the Islamic Republic of Pakistan, Sections 4, 5, 8(c) read with Section 230 of the Elections Act, 2017 and as supported by the Workers' Party case through Akhtar Hussain Advocate, General Secretary and 6 others Versus Federal of Pakistan and 2 others reported in PLD 2012 SC 681, and all the other powers enabling it in that behalf, the Election Commission of Pakistan, to ensure transparent election and to provide a level playing field for all contesting candidates and political parties, hereby directs the Caretaker Governments of Punjab and Khyber Pakhtunhwa:-

- (a) To assist the Election Commission to hold elections in accordance with law as provided under section 230(1)(b) of the Elections Act, 2017.
- (b) To ensure the compliance of all the notifications, directives and the provisions as laid down in Section 230 of the Act *ibid*.
- (c) Not to post or transfer any public official after the issuance of this notification within and to / from Punjab & Khyber Pakhtunhwa without prior approval in writing of the Election Commission as laid down in Clause 2(f) of Section 230 of the Elections Act, 2017.
- (d) Ensure that all kinds of recruitments in any Ministry, Division, Department or Institution under the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunhwa are banned with immediate effect, except recruitments by the Provincial Public Service Commissions and those government organizations where test / interviews have already been conducted before this day.
- (e) Not to announce / execute any kind of Development Schemes in Punjab and Khyber Pakhtunhwa Provinces except those which are ongoing and approved before the issuance of this notification. Moreover, the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunhwa shall not issue tenders of such schemes till culmination of General Elections of both Assemblies.

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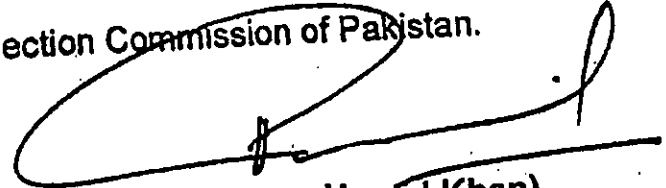
Card Letters 2023 General Elections

*Accepted*  
Secretary (General) (I-III)  
Election Commission of Pakistan  
Islamabad

JAVED IQBAL GILBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 317)

- (f) All development funds relating to Local Government institutions of Punjab and Khyber Pakhtunkhwa and Cantonment Boards falling in the jurisdiction of Punjab and Khyber Pakhtunkhwa shall stand frozen with immediate effect till announcement of results of the said General Elections.
- (g) To ensure immediate termination of services of all heads of the institutions appointed on political basis and to send their lists to the Commission forthwith.
- (h) To ensure vacation of the government residential facilities from Ex-Chief Ministers and their advisors, Ex-Provincial Ministers and Ex-Members of the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa, besides ensuring withdrawal of official vehicles from them. Furthermore, the dignitaries shall be provided security / protocol as per their entitlement and any extra deployment of security / protocol be withdrawn from them forthwith.
- (i) The Caretaker Governments shall perform their functions and attend to day-to-day matters which are necessary to run the affairs of the Provinces in accordance with law.
- (j) The Chief Minister or a Minister or any other member of Caretaker Governments shall, within three days from the date of assumption of office, submit to the Commission, a statement of assets and liabilities including assets and liabilities of his spouse and dependent children as on the preceding 30<sup>th</sup> day of June on Form B.

This issues with the approval of Election Commission of Pakistan.



(Omar Hamid Khan)

Secretary

Election Commission of Pakistan

*Attested*  
 Section Officer (Lit-III)  
 Legal & Admn Deptt  
 Govt. Of Khyber Pakhtunkhwa

JAVED IQBAL GULBELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 6317)

Copy forwarded for information to the:

- (1) Secretary to the President, Aiwan-e-Sadr, Islamabad.
- (2) Secretary to the Prime Minister, Prime Minister's Secretariat, Islamabad.
- (3) Secretary, Ministry of Parliamentary Affairs, Govt. of Pakistan, Islamabad.
- (4) Secretary, Ministry of Interior, Government of Pakistan, Islamabad.
- (5) Secretary, Ministry of Planning, Development and Reforms, Government of Pakistan, Islamabad. (for implementation and Circulation to all relevant Departments).
- (6) Secretary, Senate Secretariat, Islamabad.
- (7) Secretary, National Assembly of Pakistan, Islamabad.
- (8) Secretary, Ministry of Defence, Government of Pakistan, Rawalpindi.
- (9) Secretary, Establishment Division, Government of Pakistan, Islamabad. (for implementation and Circulation to all concerned)
- (10) Principal Secretary to the Governor, Punjab, Lahore.
- (11) Principal Secretary to Chief Minister of Punjab, Lahore.
- (12) Chief Secretary, Government of Punjab, Lahore.
- (13) Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar. } For implementation and Circulation to all subordinate Departments
- (14) Registrar, Supreme Court of Pakistan, Islamabad.
- (15) Registrar, Lahore High Court, Lahore.
- (16) Registrar, Peshawar High Court, Peshawar.
- (17) Provincial Election Commissioner Punjab, Lahore.
- (18) Provincial Election Commissioner Khyber Pakhtunkhwa, Peshawar.
- (19) Inspector General of Police, Punjab, Lahore.
- (20) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

II. Copy also forwarded to the:

- (1) Director General (Law)
  - (2) Director General (IT- Policy & Planning)
  - (3) Additional Director General (Training)
  - (4) Additional Director General (GSI)
  - (5) Additional Director General (Elections-II)
  - (6) Principal Staff Officer to Hon'ble CEC
  - (7) Director to Hon'ble CEC
  - (8) Director (Elector Rolls)
  - (9) Director (MIS)
  - (10) Director (Political Finance)
  - (11) Director (MCO)
  - (12) Deputy Director (Budget)
  - (13) Deputy Director (Election-I & II)
  - (14) Deputy Director (Confid.)
  - (15) Deputy Director (Political Finance)
  - (16) Deputy Director (Training)
  - (17) Deputy Director (Web)
  - (18) Deputy Director (Law)
  - (19) PS to Hon'ble Members - I, II, III & IV.
  - (20) Staff Officer to Secretary
  - (21) Assistant Director (Monitoring)
  - (22) PS to Additional Secretary (Admn)
  - (23) JPA to Special Secretary (ECP)
- ECP Secretariat, Islamabad.

*Accepted*  
19-11-11  
Estab. & Admin. Deptt  
Govt. of Khyber Pakhtunkhwa

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC #53/7)

*Shahid Iqbal*  
(Shahid Iqbal)  
Additional Director General  
(Elections)





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

No. SO(Policy)/E&AD/Misc/2020  
Dated Peshawar, the December 24, 2020

To . . .

1. The Director STI, E&A Department.
2. All Additional Secretaries in E&AD.
3. All Deputy Secretaries in E&AD.
4. All Section Officers in E&AD.
5. The Estate Officer/Programme Officer (Computer Cell) in E&AD.

Subject: SIGNING OF PARAWISE COMMENTS ETC IN SERVICE APPEALS.

Dear Sir,

I am directed to refer to this Department letter No.SOR-VI/E&AD/1-23/2005 dated 12-01-2008 (copy enclosed) on the subject, the Competent Authority has been pleased to authorize the Special Secretary (Establishment) Establishment Department to sign the para-wise comments in cases of service appeals filed by the Civil Servants before the Khyber Pakhtunkhwa Service Tribunal on behalf of Chief Secretary, Khyber Pakhtunkhwa and Secretary, Establishment Khyber Pakhtunkhwa.

Yours faithfully,

SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
2. Registrar Peshawar High Court Peshawar.
3. Advocate General Khyber Pakhtunkhwa, Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa
6. PS to Secretary Establishment, Khyber Pakhtunkhwa
7. PS to Special Secretary (Establishment) Establishment Department
8. PS to Special Secretary (Reg). Establishment Department.

*Attached*  
Secretary/Officer (Lit-III)  
Govt. of Khyber Pakhtunkhwa  
Admn Dept

SECTION OFFICER (POLICY)