


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 724/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.07.2024	<p>The implementation petition of Almgir Shah resubmitted today by Javed Ali Ghani Advocate. It is fixed for implementation report before Single Bench at Peshawar on 15.07.2024. Original file be requisitioned. AAG has noted the next date. Parcha peshi given to counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

The execution petition in appeal no. 411/2019 received today i.e. on 09.07.2024 is returned to the counsel for the petitioner with the following remarks.

- 1- Copy of application mentioned in para-2 of the memo of petition is not attached with the petition be placed on it.
- 2- Copy of minutes of the meeting mentioned in the memo of petition is not attached with the petition be placed on it.

No. 324 /Inst./2024 KPST,

Dt. 10/7 /2024.


OFFICE ASSISTANT
KHYBER PAKHTUNKWA
SERVICE TRIBUNAL
PESHAWAR

Javed Ali Ghani Adv.
High Court Peshawar.

Resubmitted with Compliance detail
note on objection No 2 is
written on case title Alamgir Shah
Vs Govt.


10/07/24

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title:

Alamgir Shah vs Secretary

CHECK LIST

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Whether affidavit is duly attested by competent Oath Commissioner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Whether annexures are legible?		
11	Whether annexures are attested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18	Whether case relate to this court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19	Whether requisite number of spare copies attached?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20	Whether complete spare copy is filed in separate file cover?		
21	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	Whether index filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23	Whether index is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24	Whether Security and Process Fee deposited? On	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Name:

Saved Ali Ghani

Signature:

[Signature]

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

PESHAWAR.

E.P. No. 724/2024

Appeal No.411/2019

Alamgir Shah Appellant

Versus

Secretary Industry Commerce and Technical Education Department
and another..... Respondents

I N D E X

S.No.	Description of documents.	Pages.
1	Contempt petition with affidavit.	1-3
2	Attested copy of order/ judgment dated 31.01.2022	4-9
3	Attested copy of order/ judgment dated 03.11.2022	10-12
4	Copy of application	13-15
5	Copy of application and order dated 12.06.2024	16
6	Copy of letter dated 11.06.2024	17
7	Copy of letter dated 27.06.2024	18-26
5	Wakalatnama.	27

Petitioner/ Appellant

Through

Javed Ali Ghani

Aman Ullah Khan

&

Hamza Jamsheed
Advocates

Dated: 04.07.2024

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EP No 724/24

EOC No. _____/2024
IN
Appeal No.411/2019

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 11047
Dated 09-07-2024

Alamgir Shah s/o Musharaf Shah
Librarian, Polytechnic institute Takhtbai Appellant
Versus

- 1) Secretary Industry Commerce and Technical Education Department,
Civil Secretariat, Peshawar. (Mr.Saqib Raza Aslam).
 - 2) Govt. of KP through Secretary Finance, KP, Civil Secretariat,
Peshawar. (Mr.Ikram Ullah)
 - 3) Govt. of KP through Secretary Establishment Department, Civil
Secretariat, Peshawar. (Mr.Zulfiqar Ali Shah)
 - 4) Managing Director Khyber Pakhtunkhwa TEVETA Headquarters,
Peshawar. (Engr. Abdul Ghaffar Khan).
- Respondents

APPLICATION IMPLEMENTATION OF
THE ORDERS DATED OF THIS HON'BLE
TRIBUNAL DATED 31.01.2022, 03.11.2022
AND 12.06.2024 IN ITS TRUE LETTER AND
SPIRIT UNDER THE LAW.

Respectfully Sheweth;

- 1) That this Hon'ble Tribunal vide order dated 31.01.2022 accepted
appeal of applicant/ petitioner. (Attested copy of judgment/ order
dated 31.01.2022 is attached).

- 2) That petitioner approached the concerned authorities/ respondent No.1 for the implementation of judgment/ order dated 31.01.2022 but he paid no heed. (Copy of application is attached
- 3) That the petitioner approached this Hon'ble Tribunal through an application for implementation/ execution petition No.216/2022 and the same was decided vide order dated 03.11.2022.
- 4) That in order dated 03.11.2022 this hon'ble Tribunal while in the presence of the learned and worthy Advocate General and legal advisor along with representative take and assure this Hon'ble Tribunal that the same will be forwarded to for implementation to concerned authorities.
- 5) That the concerned authorities while assuring this Hon'ble Tribunal that on 18.11.2022 Provincial Selection Board is going to held its meeting and the implementation of the order dated 31.01.2022 will be honoured accordingly.
- 6) That on 18.11.2022 the PSB held its meeting and the said PSB was concluded while the names and the order of this Tribunal was not forwarded for further proceedings.
- 7) That this Hon'ble Tribunal while issuing the order dated 03.11.2022 directed the respondents that the order dated 31.01.2022 along with order dated 03.11.2011 will be implemented and executed, however, the same was not obeyed and honoured as per direction of this hon'ble Tribunal.
- 8) That as the respondents was again approached by the petitioner and the instant ibid orders were duly communicated prior to 18.11.2022 and after 18.11.2022 however, no proceedings or initiative was taken by the respondents for implementation and execution of the same.
- 9) That the petitioner filed an application for implementation/ COC No.747/2022, however, the same was decided vide order dated

12.06.2024 on the strength of letter dated 27.06.2024 whereby respondent promised and mentioned that the PSB meeting will be held on 01.07.2024 and the name of petitioner/ applicant will be included in the PSB. However, respondents failed to follow their own commitment in respect of the implementation of the order of this Hon'ble Tribunal.

- 10) That the respondents are not willing to implement the order and judgment of this Hon'ble Tribunal as per their committed dated 27.06.2024, however, there is no hope of the same to be implemented in near future, hence the instant petition.
- 11) That justice demands that order of this Hon'ble Tribunal may please be implemented in true letter and spirit.

It is, therefore, humbly prayed that respondents may also be directed to implement the order dated 30.01.2022, 03.11.2022 and 12.06.2024 of this Hon'ble Tribunal in the light of letter dated 27.06.2024 and working paper so produced before this hon'ble tribunal No.KP-TEVTA/ ESTT/SA/Jamal Shah & others/ 2043(1-2) dated 11.06.2024 without any further delay or any other relief deems fit in the circumstances of the case may also be granted.

Petitioner/ Appellant

Through

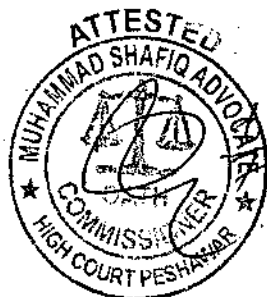


Javed Ali Ghani

Advocate Supreme Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




Deponent

CNIC 16102-8149388-9

(4) 8

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**



Appeal No. 411 /2019

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Diary No. 507

Dated 01-4-2019

Alamgir shah Librarian Govt Polytechnic institute Takht
Bhai District Mardan.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Industry Commerce and Technical Education Department Peshawar.
2. Govt of Khyber Pakhtunkhwa through Secretary Finance Khyber Pakhtunkhwa, Peshawar
3. Govt of Khyber Pakhtunkhwa through Secretary Establishment Department Peshawar.
4. Managing Director Khyber Pakhtunkhwa TEVETA Head quarters Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for allowing / antedating Seniority / Promotion to BPS-18, against which his Departmental Appeal dated 05.12.2018 was not responded despite the lapse of 90 days.

Filed to-day
Registrar
01/4/2019

Prayed in Appeal:

On acceptance of this Appeal the respondents may kindly be directed to allow the appellant seniority / promotion to BPS-18 on the basis of 25 % promotion Quota of sanctioned posts from BPS 17 to BPS 18 in the light of Notification date 27.02.2006 as similar relief has been granted to the colleagues of the appellant with all arrears and benefits.

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ATTESTED

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**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 412/2019

Date of Institution ... 01.04.2019

Date of Decision ... 31.01.2022



Syed Jamal Shah, Librarian Government College of Technology, Tangi, District Charsadda. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Industry Commerce and Technical Education Department, Peshawar & Others. ... (Respondents)

Mr. Zartaj Anwar,
Advocate ... For Appellant

Mr. Muhammad Adeel Butt,
Additional Advocate General ... For respondents No. 1 to 3.

Mr. Ali Gohar Durrani,
Legal Advisor, ... For respondent No. 4.

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall dispose of instant service appeal as well as the following connected service appeals, as common questions of law and facts are involved therein:-

1. Service Appeal No. 410/2019 titled Javed Iqbal,
2. Service Appeal No. 411/2019 titled Alamgir Shah,
3. Service Appeal No. 424/2019 titled Sultan Muhammad
4. Service Appeal No. 425/2019 titled Muhammad Akram
5. Service Appeal No. 426/2019 titled Abdul Aziz
6. Service Appeal No. 427/2019 titled Khalid Saleem

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02. The appellants in the instant service appeal and the connected service appeals are Librarians-BPS-17 and Director Physical Education (DPE) BPS-17. Both are employees of respondent No. 1 and both the cadres are sailing in the same boat with respect to the issue in hand. Briefly stated facts of the case are that the appellants were initially appointed as Librarian/DPEs BPS-16 on regular basis. The posts in respect of both the cadres were up-graded to BPS-17 vide order dated 15-08-2008 only for those holding the requisite qualification, but later on such posts were up-graded on regular basis to BPS-17 vide notification dated 23.02.2011 but with immediate effect, which however was required to be affected from the date of acquiring the prescribed degree. Feeling aggrieved, the appellants filed departmental appeals followed by Service Appeal No. 1342/2011 by Librarians and Writ Petition No: 4137-P/2016 by DPEs. The Service Tribunal as well as the High Court accepted their appeals vide judgment dated 08-06-2015 by the service tribunal and vide judgment dated 05-09-2017 by the High Court. The respondents challenged the judgment of Service Tribunal before the august Supreme court in Civil Petition Nos. 415 to 424, 426 to 438, 511 to 514-P of 2015, which were dismissed vide judgment dated 06.05.2016, hence the respondents did not prefer to contest the judgment of High, hence the respondents allowed up-gradation from the date of acquiring the requisite qualification vide order dated 28.09.2016. The episode went well to the extent of up-gradation from the date of acquiring the prescribed qualification, but on the other hand, the Government Of Khyber Pakhtunkhwa vide notification dated 27.02.2006 had approved placement of 25 % of the sanctioned posts of Librarians/DPEs BPS-16 in BPS 17 and 25% from BPS-17 to Senior Scale BPS 18. Other colleagues of the appellants were allowed senior scale BPS-18 and the appellants on the same analogy, submitted appeals before the respondents, which was worked out by the respondent department and out of sanctioned posts, five posts falling to the share of BPS-18 @ of 25% of sanctioned posts, but as a result of afterthought, the same was refused to the appellants. Feeling

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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aggrieved, the appellants filed departmental appeal dated 05.12.2018, which was not responded within statutory period, hence the present appeals with prayers to allow the appellants seniority/promotion to BPS-18 from the date of entitlement alongwith all consequential benefits on the basis of 25% promotion quota of sanctioned posts from BPS-17 to 18 on the strength of notification dated 27-02-2006 as similar relief has already been granted to the colleagues of the appellants.

03. Learned counsel for the appellants has contended that the respondent department extended the benefit of BPS-18 on regular basis against the existing vacancies to other Librarians namely Sarwar Ullah and Ali Akbar while the appellants has been discriminated; that the appellants were holding the requisite qualification, hence after serving for more than five years as such, they were entitled to Senior Scale BPS-18 as per notification dated 27-02-2006; that even in a judgment reported as PLD 2013(SC)-195 the august Supreme Court has held that the statutory provisions, rules regulation which govern the matter of appointment of Civil Servants must be followed honestly and scrupulously; that respondent have discriminated the appellants by allowing promotion to their other colleagues and refusing the same to the appellants.

04. Learned Additional Advocate General appearing on behalf of the respondents has contended that previously the posts of Librarians/DPEs were in BPS-16. There was no further structure available for their promotion and keeping in view this hardship, the Government of Khyber Pakhtunkhwa Industries, Commerce & Technical Education Department vide its notification dated 27.02.2006 devised a structure for them whereby 25% of the total sanctioned posts of Librarians/DPEs BPS-16 were placed in BPS-17 while 25% of BPS-17 of the same cadres were placed in BPS-18. However, later on, all the posts of Librarians/DPEs BPS-16 were upgraded to BPS-17 vide Notification dated 15.08.2008 and 23-02-2011 and now none of these posts exists in BPS-16. Now

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due to changed positions of the posts, a question arises that in the absence of BPS-16, how 25% of the posts in BPS-17 is to be allocated for further 25% allocation in BPS-18; that in pursuance of the judgment of this Tribunal the appellants were allowed BPS-17 from the date of appointment with all benefits for having acquired Master Degree in Library Science; that so far as promotion to the post of Senior Scale BPS-18 is concerned, the department has no justification for creation of posts in BPS-18; that the appeal being devoid of merit may be dismissed. Learned counsel for respondent No.4 relied upon the arguments of learned Additional Advocate General.

05. We have heard learned counsel for the parties and have perused the record.

06. Crux of the issue is that the appellants being Librarians/DPEs in BPS 17 against regular sanctioned posts, has invoked jurisdiction of notification dated 27.02.2006, which allows placement of 25% of the sanctioned posts of Librarians/DPEs BPS-16 in BPS-17 and 25% of BPS-17 posts of the same cadres in BPS-18. The respondents had already exercised the formula by granting promotions against posts falling in the share of 25% and vide notification dated 28-04-2014 had promoted other colleagues of the appellants. Record would suggest that the respondents had also processed case of promotion of appellants at some length, which would show that 5 posts are falling to the share of the appellants and the appellants are otherwise fit for promotion in respect of seniority and qualification, but the respondents at a belated stage realized that since the notification dated 27-02-2006 was a hardship incentive at the time, when the post of librarian was in BPS-16 and now the post is upgraded to BPS-17, in a situation, the incentive falling in the share @ 25% of BPS-16 vanished away, but the respondents deliberately avoiding the share @ 25% of BPS-17 to BPS-18, which is still intact, as the said notification is neither rescind nor superseded and is still in field and it would be interesting to note that

ATTESTED

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respondents had already made promotions in pursuance of the notification dated 27-02-2006, even after up-gradation of post to BPS-17, hence contention of the respondents does not hold ground. In a situation, denial of right of promotion would be discriminatory to the effect, that similar relief had already been granted to similarly placed employees against their existing vacancies, which does not require creation of posts, hence concern of the respondents regarding creation of posts is not tenable. Equity and fair play demands that the appellants also deserve the same treatment being the senior most and otherwise eligible.

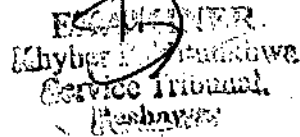
07. In view of the above, instant appeal as well connected appeals are accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
31.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy


PESHAWAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 06/4/22
Number of Words 2000
Copies 24
Urgent 24
Date of Receipt of Copy 07/4/22
Date of Receipt of Copy 07/4/22


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To

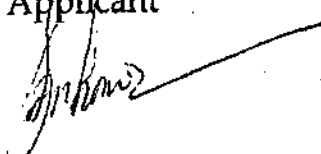
Secretary Industry Commerce and
Technical Education Department,
Civil Secretariat, Peshawar

APPLICATION FOR IMPLEMENTATION
OF JUDGMENT OF THE HON'BLE
SERVICE TRIBUNAL, PESHAWAR
DATED 31.01.2022 PASSED IN
S.A.No.411/2019

Sir,

Please comply the order/ judgment dated 31.01.2022 passed
by Hon'ble Service Tribunal, Peshawar passed in S.A.No.411/2019
in letter, spirit and obliged. (Certified copy attached).

Applicant


Alamgir Shah
Librarian

Polytechnic Institute Takhtbai

CNIC No. 16102-0131704-1

Cell: 0307-8463400

Dated: 15.02.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Execution petition no. 220/2022

Diary No. 475

Dated 14-4-2022

Appeal No.411/2019

Alamgir Shah s/o Musharaf Shah
Librarian, Polytechnic institute Takhtbai Appellant
Versus.

- 1) Secretary Industry Commerce and Technical Education Department,
Civil Secretariat, Peshawar.
- 2) Govt. of KP through Secretary Finance, KP, Civil Secretariat,
Peshawar.
- 3) Govt. of KP through Secretary Establishment Department, Civil
Secretariat, Peshawar.
- 4) Managing Director Khyber Pakhtunkhwa TEVETA Headquarters,
Peshawar.




..... Respondents

APPLICATION FOR IMPLEMENTATION
OF JUDGMENT/ ORDER OF SERVICE
TRIBUNAL DATED 31.01.2022

Respectfully Sheweth;

- 1) That this Hon'ble Tribunal vide order dated 31.01.2022 accepted appeal of applicant/ petitioner. (Attested copy of judgment/ order dated 31.01.2022 is attached).
- 2) That petitioner approached the concerned authorities/ respondent No.1 for the implementation of judgment/ order dated 31.01.2022 but he paid no heed. (Copy of application is attached

ATTESTED

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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- 3) That respondent are not implementing the order/ judgment dated 31.01.2022 of this hon'ble Tribunal and have committed clear contempt.
- 4) That justice demands that judgment of this Hon'ble Tribunal may please be implemented in true letter and spirit.

It is, therefore, humbly prayed that respondents may please be directed to implement the order/ judgment dated 31.01.2022 in true letter and spirit and all the benefits be awarded after the decision of the Hon'ble Tribunal.

Petitioner/ Appellant

Through


Javed Ali Ghani

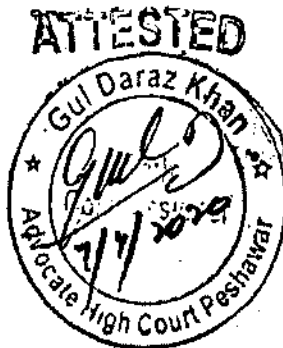
&

Amanullah Khan
Advocate High Court
Peshawar.

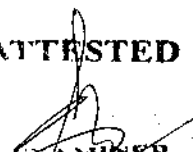
AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent
10102-2440000-9
0131704-1



ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3rd Nov, 2022



1. Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Shahab Khattak, Legal Advisor for respondents present.

02. Representative of respondents produced copy of letter No. TEVTA/PER:/Pro/9466 dated 27.10.2022 addressed to the Section Officer-III, Government of Khyber Pakhtunkhwa Industries, Commerce & Technical Education Department, Peshawar with the request that promotion case of the petitioner be placed before the Provincial Selection Board for consideration. Learned counsel for the petitioner submits that the department may delay placement of the case before the PSB so a direction might be given that the case of promotion of the petitioner might be placed before the first convened PSB for consideration of his promotion. This petition is filed accordingly and incase the case of the petitioner is not placed before the first convened/scheduled PSB, he may submit an application for initiating contempt against the respondents. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 3rd day of November, 2022.*

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]
(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 27-6-23
Number of Words 1-p
Copying Fee 5/-
Urgent 9/-
Total 10/-
Name of Officer _____
Date of Copy 27-6-23
Date of Delivery of Copy 27-6-23

(13)

(2)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

COC Appli. No. 744/2022

Khyber Pakhtunkhwa
Service Tribunal

Registry No. *2420*

Dated *22/12/2022*

Appeal No.412/2019

Alamgir Shah s/o Musharaf Shah
Librarian, Polytechnic institute Takhtbai Appellant

Versus

- 1) Secretary Industry Commerce and Technical Education Department,
Civil Secretariat, Peshawar. (Mr.Saqib Raza Aslam).
- 2) Govt. of KP through Secretary Finance, KP, Civil Secretariat,
Peshawar. (Mr.Ikram Ullah)
- 3) Govt. of KP through Secretary Establishment Department, Civil
Secretariat, Peshawar. (Mr.Zulfiqar Ali Shah)
- 4) Managing Director Khyber Pakhtunkhwa TEVETA Headquarters,
Peshawar. (Engr. Abdul Ghaffar Khan).

..... Respondents

APPLICATION FOR INITIATION OF
CONTEMPT OF COURT PROCEEDINGS IN
REGARD TO VIOLATION AND
DISOBEDIENCE OF ORDER OF THIS
HON'BLE TRIBUNAL DATED 03.11.2022
AND NOT HONOURING THE SAME
ORDER IBID ORDER IN ITS TRUE LETTER
AND SPIRIT UNDER THE LAW.

Respectfully Sheweth;

- 1) That this Hon'ble Tribunal vide order dated 31.01.2022 accepted appeal of applicant/ petitioner. (Attested copy of judgment/ order dated 31.01.2022 is attached).

ATTESTED
[Signature]
REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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- 2) That petitioner approached the concerned authorities/ respondent No.1 for the implementation of judgment/ order dated 31.01.2022 but he paid no heed.
- 3) That the petitioner approached this Hon'ble Tribunal through an application for implementation/ execution petition No.219/2022 and the same was decided vide order dated 03.11.2022.
- 4) That in order dated 03.11.2022 this hon'ble Tribunal while in the presence of the learned and worthy Advocate General and legal advisor along with representative take and assure this Hon'ble Tribunal that the same will be forwarded to for implementation to concerned authorities.
- 5) That the concerned authorities while assuring this Hon'ble Tribunal that on 18.11.2022 Provincial Selection Board is going to held its meeting and the implementation of the order dated 31.01.2022 will be honoured accordingly.
- 6) That on 18.11.2022 the PSB held its meeting and the said PSB was concluded while the names and the order of this Tribunal was not forwarded for further proceedings.
- 7) That this Hon'ble Tribunal while issuing the order dated 03.11.2022 directed the respondents that the order dated 31.01.2022 along with order dated 03.11.2011 will be implemented and executed, however, the same was not obeyed and honoured as per direction of this hon'ble Tribunal.
- 8) That as the respondents was again approached by the petitioner and the instant ibid orders were duly communicated prior to 18.11.2022 and after 18.11.2022 however, no proceedings or initiative was taken by the respondents for implementation and execution of the same.

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EXAMINER
Cyber Pakhtunkhwa
Service Tribunal
Peshawar

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- 9) That as the respondents have violated, disobeyed and dishonour the directives, specific orders dated 30.01.2022 and 03.11.2022 and forwarding lame excuses, hence the instant petition.
- 10) That justice demands that order of this Hon'ble Tribunal may please be implemented in true letter and spirit.

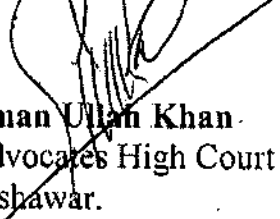
It is, therefore, humbly prayed that contempt proceedings may kindly be initiated against the respondents and be punished and executed according to law on the subject.

It is further prayed that respondents may also be directed to implement the order dated 30.01.2022 and 03.11.2022 of this Hon'ble Tribunal without any further delay or any other relief deemed fit in the circumstances of the case may also be granted.


Petitioner/ Appellant

Through


Javed Ali Ghani

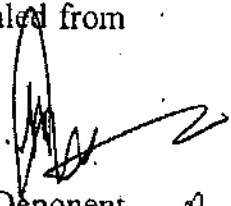
&

Aman Ullah Khan
Advocates High Court
Peshawar.

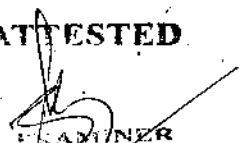
AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the Application are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED
Gui Daraz Khan
Oath Commissioner
Peshawar

15/11/2022


Deponent
CNIC 17102-9810483-5
16102-0131704-1

ATTESTED

EXAMINER
Najimuddin Paktukhwa
Service Tribunal
Peshawar



KHYBER PAKHTUNKHWA
TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY
Sector-8 Phase-VII, Hayatabad, Peshawar.
Web: www.kp-tevta.gov.pk



No. KP-TEVTA/ESTT/S.A/Jamal Shah & Others/ 2043 (1-2)

Dated 11/06/2024

To

The Secretary to Government of Khyber Pakhtunkhwa,
Industries Commerce & Technical Education Department.
Attention: Section Officer (TE)

Subject: EXECUTION IN SERVICE APPEAL NO. 412/2019 DATED 31-01-2022, IN RESPECT OF SYED JAMAL SHAH & OTHERS.

Dear Sir,

I am directed to refer to the subject noted above and to state that the Govt. of Khyber Pakhtunkhwa vide Notification No.SOIII(IND)11/4-13/2006 dated 27-02-2006 upgraded 25% of the sanctioned posts of Librarian/DPEs BPS-17 to Senior Scale Librarian/^{DPE,} in BPS-18 (Annex-I).

2. Total sanctioned strength of the Librarian (BS-17) and DPE (BS-17) is as under;

Sr#	Nomenclature	Sanctioned strength	25% share in BS-18	Date of availability
1	Librarian (BS-17)	20	05	<ul style="list-style-type: none">02 posts w.e.f 28-04-201401 post w.e.f 14-05-2014
2	DPE (BS-17)	18	4.5 says 05	<ul style="list-style-type: none">01 post w.e.f 12-05-201401 post w.e.f 07-05-201601 post w.e.f 01-04-201701 post w.e.f 20-11-2018

3. As per Service Tribunal judgment dated 31-01-2022, the petitioners were promoted by the PSB in its meeting held on 07-09-2023 with immediate effect from BS-17 to BS-18 on the basis of 25% upgradation quota. (Annex-II).

4. Aggrieved to the promotion order with immediate effect, the petitioners filed an Execution Petition before the Service Tribunal with the request that on acceptance of instant appeal, the respondents may kindly be directed to allow the appellant seniority/promotion to BS-18 on the basis of 25% promotion quota of sanctioned posts from BS-17 to BS-18 in light of Notification dated 27-02-2006 as similar relief has been granted to the colleagues of the appellant with all arrears and benefits.

5. In view of the above, it is requested that the promotion case of the appellant/petitioners may kindly be placed before the PSB for consideration as per Service Tribunal judgment stated above. Working Paper along with requisite annexures is enclosed.

ATTESTED
DTC [Signature]

12-6-24

DEPUTY DIRECTOR (ESTT)

Endst. No. KP-TEVTA/ESTT/S.A/Jamal Shah & Others/
Copy for information to the: -

Dated ___/___/2024.

1. The Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r decision in Service Appeal No. 412/2019 dated 31.01.2022.
2. PA to Managing Director, KP-TEVTA Head Office, Peshawar.

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Most Immediate/Out Today



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-25/2024/KC(04)
Dated Peshawar, the June 27, 2024

To

- ✓ 1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to this department letter of even No. dated 25.06.2024 on the subject and to say that meeting of Provincial Selection Board has been re-scheduled and now will be held on 1st July, 2024 and at 10:00 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Cabinet room of Civil Secretariat Peshawar. Agenda of the meeting alongwith working papers are attached.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

SECTION OFFICER (PSB) 27/6/24

Endst. of even No. & date.

A copy is forwarded to: -

1. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. The CSO to Chief Secretary, Khyber Pakhtunkhwa
3. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
4. The P.S to Secretary Establishment Department.
5. The P.S to Special Secretary (Reg.) Establishment Department

SECTION OFFICER (PSB)
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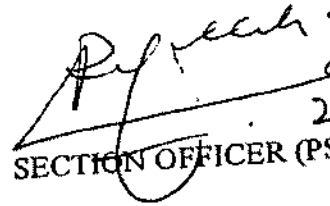
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Endst. of even No. & date.

A copy is forwarded to: -

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, P&D Department.
3. The Additional Chief Secretary to Govt. of Khyber Pakhtunkhwa, Home Department
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries Department.
5. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
6. The Secretary to Govt. of Khyber Pakhtunkhwa, Culture Department.
7. The Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
8. The Secretary to Govt. of Khyber Pakhtunkhwa, Excise Department.
9. The Secretary to Govt. of Khyber Pakhtunkhwa, Information Department.
10. The Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department.
11. The Secretary to Govt. of Khyber Pakhtunkhwa, PHE Department.
12. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Department.
13. The Secretary to Govt. of Khyber Pakhtunkhwa, Livestock Department
14. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department
15. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture Department
16. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department
17. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
18. The Secretary to Govt. of Khyber Pakhtunkhwa, Law & Parliamentary Affairs department with the request to attend the meeting alongwith Advocate General, Khyber Pakhtunkhwa for legal opinion in litigation cases

They are requested to kindly attend meeting of the PSB to be held on 01.07.2024 at 10:00 AM in the Cabinet room of Civil Secretariat Peshawar. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.


SECTION OFFICER (PSB) 27/6/24

of even No. & date.

A copy is forwarded to: -

1. The P.Ss to Additional Secretaries (Reg-I&II) Establishment Department.


SECTION OFFICER (PSB)


ATTESTED

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AGENDA OF THE PSB MEETING TO BE HELD ON 01.07.2024 AT 10:00 AM				
S#	Description of the Case	Panel	Posts	Department
1.	Execution Petition No.315/2022 in service appeal No.5963-A/2021 titled Muntazir Khan (retired PCS EO BS-19) vs Government of Khyber Pakhtunkhwa (Court case)	01		Establishment
2.	Grant of Proforma promotion to Raja Imtiaz Ahmad, EX-DFO BS-18 to the post of Conservator of Forest BS-19 on acting charge basis in light of Court Decision. (Court case)	-	-	Environment
3.	COURT CASE OF DR. MUHAMMAD AYUB EX-DISTRICT DIRECTOR LIVESTOCK BANNU BS-19 REGARDING PROFORMA PROMOTION TO THE POST OF BS-20. (Court Case)	-	-	Livestock
4.	Promotion of PPS from BS-19 to PPS BS-20	06	04	P&D
5.	Promotion of PPS from BS-18 to PPS BS-19	25	13	P&D
6.	Promotion of PPS BS-17 to the post of PPS BS-18	34	21	P&D
7.	Promotion of Assistant Secretary BS-17 to the post of Senior Assistant Secretary BS-18.	04	01	BOR.
8.	Promotion of Lecturer Women Technical Cadre/Diploma Holders BS-17 to the post of Assistant Professor BS-18.	02	01	Industries
9.	Promotion/Appointment of AIG Prison / Deputy Commandant and Superintendent District Jail BS-18 to the post of DIG Prison/Commandant/Superintendent Central Prison BS-19 on regular/acting charge basis	06	04	Home
10.	Promotion of Deputy Public Prosecutors BS-18 to the post of Senior Public Prosecutors/District Public Prosecutor BS-19	20	12	Home
11.	Promotion/Regularization of Assistant Public Prosecutors BS-17 to the post of Deputy Public Prosecutor BS-18	64	09	Home
12.	Appointment/Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in Directorate of Local Fund Audit Khyber Pakhtunkhwa	04	02	Finance
13.	Promotion of Archaeological Engineer BS-17 to the post of Senior Archaeological Engineer BS-18	01	01	Culture
14.	Promotion of Research officer BS-17 to the post of Curator BS-18.	01	01	Culture
15.	Promotion of Excise & Taxation officer BS-18 to the post of Director BS-19.	04	02	Excise

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AGENDA OF THE PSB MEETING TO BE HELD ON 01.07.2024 AT 10:00 AM				
S#	Description of the Case	Panel	Posts	Department
16.	Promotion of Assistant Excise & Taxation Officer BS-17 to the post of Excise & Taxation officer BS-18.	16	08	Excise
17.	Promotion of officers of Information Department from BS-18 to BS-19	02	01	Information
18.	Promotion of officers of Information Department from BS-17 to BS-18	04	02	Information
19.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 in C&W Department.	03	01	C&W
20.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 in C&W department.	05	01	C&W
21.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 in PHE Department.	05	03	PHE
22.	Promotion of Executive Engineers BS-18 to the post of Superintending Engineer BS-19 in PHE Department.	04	02	PHE
23.	Promotion of B.Tech (Hons)/DAE Diploma Holders Assistant Engineers/SDOS BS-17 to the posts of Deputy Director (M&E)/Technical officers BS-18 in PHE Department.	04	02	PHE
24.	Promotion of Director (Tech)/Principal RTIS BS-19 to the post of Chief Medical Officer BS-20.	03	01	Population
25.	Promotion of Deputy Director (Tech)/SWMOS/Deputy Principal RTIS/Sr. Instructor (Tech) BS-18 to the post of Director (Tech)/Principal RTIS BS-19	02	01 (R)	Population
26.	Promotion of WMO officer/DDPWO (Tech)/Instructor (Tech)/NSV Surgeon BS-17 to the post of Deputy Director (Tech)/SWMOS/Deputy Principal RTIS/Sr. Instructor (Tech) BS-18	05	03	Population
27.	Promotion of officers from BS-19 to BS-20 in the Directorate General, Livestock and Dairy Development (Extension Wing)	14	05	Livestock
28.	Promotion of officers from BS-18 to BS-19 in the Directorate General, Livestock and Dairy Development Department (Extension wing)	18	09	Livestock
29.	Promotion of Deputy Director Fisheries BS-18 to the post of Director Fisheries/Additional Director BS-19	04	02	Livestock
30.	Promotion of Conservator of Forest BS-19 to the post of Chief Conservator of Forest BS-20.	02	01	Environment

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AGENDA OF THE PSB MEETING TO BE HELD ON 01.07.2024 AT 10:59 AM

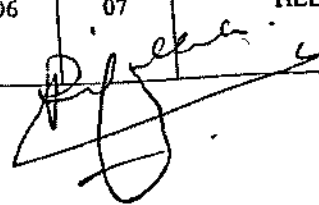
S#	Description of the Case	Panel	Posts	Department
31.	Appointment/Promotion of Divisional Wildlife officer BS-18 to the post of Conservator Wildlife BS-19 on acting/regular basis.	08	02	Environment
32.	Promotion of Sub Divisional Forest officer BS-17 to the post of Divisional Forest officer BS-18	22	11	Environment
33.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in I&HRD&M Directorate of Forest Department.	02	02	Environment
34.	Appointment of Assistant Director BS-17 to the post of Deputy Director BS-18 on acting charge basis in CDE&GAD Directorate of Forest Department	05	03	Environment
35.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 on regular basis in Irrigation department.	03	01	Irrigation
36.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 on regular basis in Irrigation department.	04	01	Irrigation
37.	Promotion of Assistant Engineers BS-17 Graduate to the post of Executive Engineers BS-18 in Irrigation Department.	03	05	Irrigation
38.	Promotion of Assistant Engineers BS-17 B.Tech to the post of Executive Engineers BS-18 in Irrigation Department.	02	01	Irrigation
39.	Promotion of Assistant Engineers BS-17 D.A.E to the post of Executive Engineers BS-18 in Irrigation Department.	05	04	Irrigation
40.	Promotion of Management Cadre officers BS-19 to BS-20 in E&SE department.	03	01	E&SE
41.	Promotion of Management Cadre officers BS-18 (male) to BS-19 in E&SE department.	20	18	E&SE
42.	Promotion of Management Cadre officers (male) BS-17 to BS-18 in E&SE Department.	70	03	E&SE
43.	Promotion of Management Cadre officers BS-18 (female) to BS-19 in E&SE department.	22	02	E&SE
44.	Promotion of Management Cadre officers (Female) BS-17 to BS-18 in E&SE Department.	36	06	E&SE
45.	Promotion of Male Librarian BS-17 to the post of Senior Librarian BS-18.	63	44	E&SE
46.	Promotion of Female Librarian BS-17 to the post of Senior Librarian BS-18.	32	15	E&SE

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AGENDA OF THE PSB MEETING TO BE HELD ON 01.07.2024 AT 10:00 AM				
S#	Description of the Case	Pannel	Posts	Department
47.	Promotion Of Officers From BS-19 To BS-20 in the Directorate of On Farm Water Management Agriculture Department.	02	01	Agriculture
48.	Promotion of Director BS-19 to the post of Director General/Senior Director BS-20 in the Directorate of Soil and Water Conservation, Agriculture Department	02	01	Agriculture
49.	Promotion of Deputy Director/District officer BS-18 to the post of Director BS-19 Soil and Water Conservation.	04	01	Agriculture
50.	Promotion of Soil Conservation Assistants, Soil Conservation Assistant (Technical) Soil Conservation Officers, Soil Survey Research Officers & Assistant Soil Survey Research Officers (BS-17) to the Post of Deputy Director/District Officer BS-18 Soil Conservation in the Directorate General Soil & Water Conservations Khyber Pakhtunkhwa. (75%)	20	12	Agriculture
51.	Promotion Of Soil Conservation Assistants BS-17 to the post of Deputy Director/District Officer (Bachelor's Degree Holders) BS-18 Soil Conservation in the Directorate General Soil & Water Conservations Khyber Pakhtunkhwa. (25%)	06	07	Agriculture
52.	Promotion of officers from BS-19 to BS-20 of Agriculture Research wing of Agriculture department.	03	01	Agriculture
53.	Promotion of officers from BS-18 to BS-19 of Agriculture Research wing of Agriculture Department.	12	05	Agriculture
54.	Promotion of officers from BS-19 to BS-20 of Agriculture extension wing of Agriculture department.	06	02 Clr	Agriculture
55.	Promotion of officers from BS-18 to BS-19 of Agriculture extension wing of Agriculture department.	06	02	Agriculture
56.	Promotion of Associate Professor BS-19 (Male) to the post of Professor BS-20 GCMS/GCCS	10	04	HED
57.	Promotion of Assistant Professors BS-18 (Male) to the post of Associate Professor BS-19 GCMS/GCCS	10	05	HED
58.	Promotion of Lecturer (Male) BS-17 to the post of Assistant Professors BS-18 GCMS/GCCS	48	38	HED
59.	Promotion of Associate Professor BS-19 (Female) to the post of Professor BS-20 GCMS/GCCS	06	03	HED
60.	Promotion of Assistant Professors BS-18 (Female) to the post of Associate Professor BS-19 GCMS/GCCS	06	07	HED



ATTESTED

24

AGENDA OF THE PSB MEETING TO BE HELD ON 01.07.2024 AT 10:00 AM

S#	Description of the Case	Panel	Posts	Department
61.	Promotion/Regularization of Lecturer (Female) BS-17 to the post of Assistant Professors BS-18 GCMS/GCCS	07	07	HED
62.	Promotion of DPE (Male) B-17 to the post of DPE BS-18 GCMS/GCCS	02	01	HED
63.	Promotion of Associate Professor BS-19 (Male) to the post of Professor BS-20 of college Cadre Higher Education Department.	75	57	HED
64.	Promotion of Associate Professor BS-19 (Female) to the post of Professor BS-20 of college Cadre Higher Education Department.	20	11	HED
65.	Promotion of Assistant Professors BS-18 (Female) to the post of Associate Professor BS-19 of College Cadre in Higher Education Department.	24	12	HED
66.	Promotion of (Male) Librarian BS-17 to the post of Senior Librarian BS-18.	30	22	HED
67.	Promotion of (Female) Librarian BS-17 to the post of Senior Librarian BS-18.	24	17	HED
68.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 of Ministerial Cadre Higher Education Department.	06	03	HED
69.	Promotion of Member of Service BS-19 to the post of Member of Service BS-20 Management Cadre in Health Department.	32	17	Health
70.	Promotion of Member of Service BS-18 to the post of Member of Service BS-19 Management Cadre in Health Department.	79	93	Health
71.	Promotion of BS-19 General Cadre Officers to the post of Chief Medical Officers BS-20.	82	47	Health
72.	Promotion of the Nursing Staff of Health Department from BS-19 to BS-20	06	11	Health
73.	Promotion of the Nursing Staff of Health Department from BS-18 to BS-19	38	202	Health
74.	Promotion of the Nursing Staff of Health Department from BS-17 to BS-18	351	642	Health
75.	Promotion of PHC/Clinical Technologists BS-17 to the post of Senior PHC/Clinical Technologists BS-18 in Health Department, Khyber Pakhtunkhwa.	168	123	Health

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ATTESTED

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AGENDA OF THE PSD MEETING TO BE HELD ON 01.07.2024 AT 10:00 AM

	Description of the Case	Panel	Posts	Department
76.	Promotion of Senior Dental Surgeon BS-18 to the post of Principal Dental Surgeon BS-19.	09	04	Health
77.	Promotion Of Senior Pharmacist BS-18 To The Post Of Chief Pharmacist BS-19 In Health Department	01	03	Health
78.	Promotion of Drug Inspector BS-17 to the post of Senior Drug Inspector BS-18 in Health Department.	07	03	Health
79.	Promotion of Chemist BS-17 to the post of Drug Analyst BS-18 in Health Department.	02	02	Health
80.	Promotion of Pharmacist BS-17 to the post of Senior Pharmacist BS-18 in Health Department.	06	05	Health
81.	Promotion of Associate Professor Pathology BS-19 to the post of Professor Pathology BS-20 in SMC Swat.	03	01	Health
82.	Promotion of Associate Professor Pathology BS-19 to the post of Professor Pathology BS-20 in Saidu College of Dentistry Swat	01	01	Health
83.	Promotion of Associate Professor ENT BS-19 to the post of Professor ENT BS-20 in Saidu Medical College Saidu Sharif Swat	-	-	Health
84.	Promotion of Assistant Professor Cardiology BS-18 to the post of Associate Professor Cardiology BS-19 in SMC/Swat.	01	01	Health
85.	Promotion of Assistant Professor Radiology BS-18 to the post of Associate Professor Radiology BS-19 in SMC Swat.	01	01	Health
86.	Promotion of Assistant Professor Medicine BS-18 to the post of Associate Professor Medicine BS-19 in SMC/Swat.	02	01	Health
87.	Promotion of District Specialist (Pathology) BS-18 to the post of Senior District Specialist BS-19 in Health Department.	14	07	Health
88.	Promotion of PMS BS-19 to PMS BS-20	39	21	Establishment.
89.	Promotion of PMS BS-18 to PMS BS-19	49	35	Establishment
90.	Promotion of PMS BS-17 to PMS BS-18	50	11	Establishment
91.	Promotion of Private Secretary BS-17 to the post of Senior Private Secretary BS-18.	06	03	Establishment
92.	Promotion of Superintendent BS-17 to the post of PMS BS-17.	66	02	Establishment

ATTESTED

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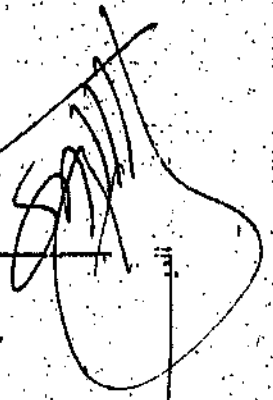
AGENDA OF THE PSB MEETING TO BE HELD ON 01.07.2024 AT 10:00 AM

S#	Description of the Case	Panel	Posts	Department
93.	Promotion of Personal Assistant BS-16 to the post of PMS BS-17.	06	02	Establishment
94.	Promotion of Tehsildar BS-16 to the post of PMS BS-17	54	17	Establishment
95.	Promotion of Superintendent/Private Secretaries offices of Commissioner/Deputy Commissioner to the post of PMS BS-17.	29	02	Establishment

P. J. J. J.
SECTION OFFICER (PSB) 25

J. J.
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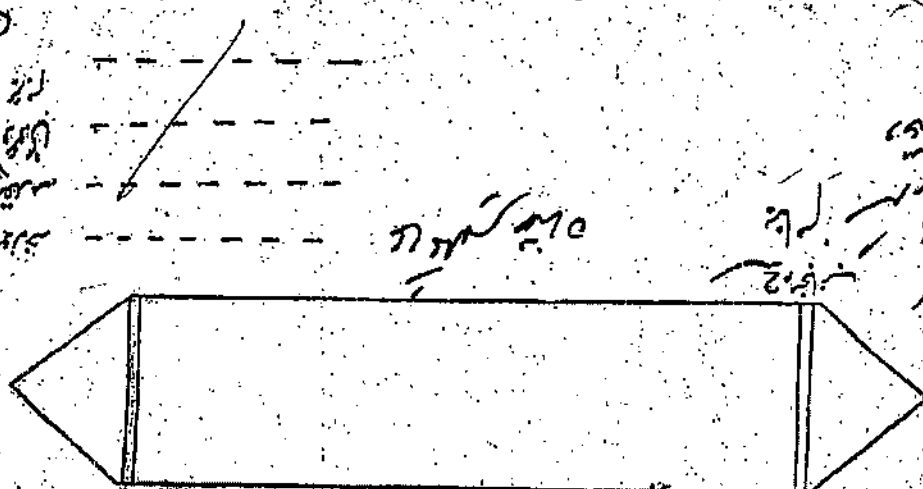


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