


Cost of Rs. 5,000 received in Service Appeal No. 396/2024

Titled Abdul Saboor VS. Higher Education Department

in the office of Registrar Vide Order 31-07-2024

Dated: 10/09/2024.


REGISTRAR 10/9/24

Registrar
Khyber Pakhtunkhwa
Service Tribunal, Peshawar
Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA

SERVICE APPEAL NO. 396 / 2024

Mr. Abdul Saboor

.....

(Appellant)

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA
THROUGH CHIEF SECRETARY AND OTHERS

.....

(Respondents)

INDEX

S No.	Description of Documents	Annexure	Pages
1	Parawise Comments alongwith Affidavit		1-3
2	Meeting of the PSB, Govt. of Khyber Pakhtunkhwa Establishment dated 05/09/2023.	Annex-A	4-10
3	Authority letter		11

CNIC- _____


Deponent

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR

SA NO: 396 of 2024

Abdul Saboor Petitioner

VERSUS

Government of Khyber Pakhtunkhwa,
through Chief Secretary & others Respondents

SUBJECT:- PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no locus standi / cause of action to file the instant appeal.
2. That the appellant has not come to this Hon'ble Service Tribunal with clean hands and he has concealed material facts from this tribunal.
3. That the service appeal is hit by the doctrine of laches.
4. That the appeal is also barred by law and limitation.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15668

Dated 10-09-24

FACTS:-

1. Pertains to record.
2. Correct.
3. Correct.
4. Pertains to record.
5. Incorrect. The appellant has tried to mislead the hon'ble tribunal. Item No. 47 was regarding the promotion of Associate Professor (BPS-19) to the post of Professor (BPS-20) pertaining to Industry Department and not to Higher Education Department (**Annex-A**).
6. Pertains to record.
7. It is clarified that the claim of the petitioner for proforma promotion is not covered under the relevant rules or promotion policy of Provincial Government.
8. Incorrect. Hence, denied as explained in para-5 about.
9. Pertains to record.
10. The respondents have acted strictly in accordance with provisions of relevant law /rules. Grounds of the appellant are rebutted as under.

Grounds:-

- A. Incorrect. The case is not covered under the Promotion Policy 2009.
- B. That the appellant was treated under law and relevant rules / policy.
- C. That the appellant has not been discriminated but has been treated in according with law.

- D. That the appellant's case has been processed in light of the policy of promotion.
- E. That the action taken with regard to the appellant is according to law and is not violative of constitution and its relevant provisions.
- F. That the appellant was treated according to promotion policy 2009.
- G. That the appellant has no cause of action under promotion policy 2009.
- H. That appellant case was processed according to the relevant rules / policy of the court.
- I. That the appellant has misguided the hon'ble tribunal.

Prayer:-

It is, therefore, humbly prayed that the instant service appeal being devoid of merit, may graciously be dismissed with appropriate costs.



Chief Secretary,
Govt. of Khyber Pakhtunkhwa
Respondent No. 01

NAQEM ASLAM CHUDHERY



Secretary,
Higher Education, Archives
& Libraries Khyber Pakhtunkhwa
Respondent No. 02

KAMRAN AHMAD AFRIDI

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 396/2024

Abdul Saboor

Appellant


.....
VERSUS
.....

Govt. of Khyber Pakhtunkhwa
Through Chief Secretary,
& Others

Respondents

Affidavit

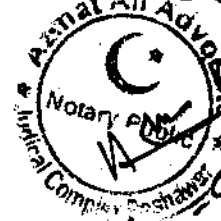
I, Capt (R) Kamran Ahmed Afridi Secretary, Higher Education, Archives & Libraries Department Government of Khyber Pakhtunkhwa do hereby solemnly affirm and declare that contents of the accompanying Joint Para-wise Comments are correct to the best of my knowledge and belief and nothing has been concealed therein from this Service Tribunal Khyber Pakhtunkhwa, Peshawar. Furthermore the respondents have neither been placed as ex-party nor right of defense struck-off.


(Capt (R) Kamran Ahmed Afridi)
Secretary,
Higher Education, Archives,
Libraries Department

CNIC- _____

Secretary
Govt. Of Khyber Pakhtunkhwa
Higher Education,
Archives & Libraries
Department.

ATTESTE



10-9-2024

Annex-1

④



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-25/2023/(13)
Dated Peshawar, the 05.09.2023

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 the subject and to say that meeting of Provincial Selection Board will be held on **07th September 2023 at 11:00 AM** under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers will be provided subsequently.

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

Yours faithfully,

SECTION OFFICER (PSB)

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

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

SECTION OFFICER (PSB)

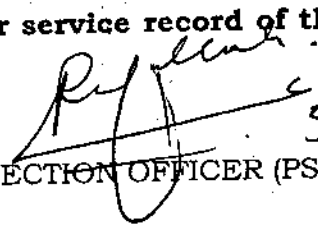
P.T.O

Endst. of even No. & date.

A copy is forwarded to: -

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Government Department
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries Development Department.
3. The Chairman Provincial Inspection Team Khyber Pakhtunkhwa.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Zakat Department
5. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
6. The Secretary to Govt. of Khyber Pakhtunkhwa, PHE Department.
7. The Secretary to Govt. of Khyber Pakhtunkhwa, Information Department.
8. The Secretary to Govt. of Khyber Pakhtunkhwa Revenue & Estate Department.
9. The Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department.
10. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
11. The Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
12. The Secretary to Govt. of Khyber Pakhtunkhwa, Sports Department.
13. The Secretary to Govt. of Khyber Pakhtunkhwa, ST&IT Department.
14. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Department.
15. The Secretary to Govt. of Khyber Pakhtunkhwa, P&D Department.
16. The Secretary to Govt. of Khyber Pakhtunkhwa, Livestock & Fisheries Department.
17. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment Department.
18. The Secretary to Govt. of Khyber Pakhtunkhwa, Home Department.
19. The Secretary to Govt. of Khyber Pakhtunkhwa, E&SE Department.
20. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture Department.
21. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
22. 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.**

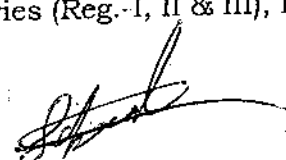
They are requested to kindly attend meeting of the PSB to be held on 07.09.2023 at 11:00 AM in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.


SECTION OFFICER (PSB) 5/9/23

Endst of even No. & date.

A copy is forwarded to: -

1. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.
2. The Section Officer (E-I)/(E-II)(E-IV) (E-V)/(Secret), Establishment Department.
3. PAs to Deputy Secretaries (Reg.-I, II & III), Establishment Department.


SECTION OFFICER (PSB)

AGENDA OF THE PSB MEETING TO BE HELD ON 07.09.2023 AT 11:00 AM				
ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Implementation of judgement dated 02.04.2021 of Khyber Pakhtunkhwa Service Tribunal in service appeal No. 504/18 titled Muhammad Jamil versus Government of Khyber Pakhtunkhwa Health department (Court Case)	01	01	Health
2.	Service appeal No. 8481 Dr. Syed Mufarih Shah vs Government of Khyber Pakhtunkhwa through Chief Secretary and others (Court case).	01	01	Health
3.	Promotion of Director Physical Education BS-17 to the post of Director Physical Education (Senior Scale BS-18) (Court Case).	10	05	Industries
4.	Promotion of Librarians BS-17 to the post of Senior Librarians BS-18 (Court Case)	10	05	Industries
5.	Promotion of PCS SG BS-20 to BS-21	03	01	Establishment
6.	Promotion of PCS EG BS-20 to BS-21	04	03	Establishment
7.	Promotion of PCS EG/PMS BS-19 to BS-20	40	27 04(R)	Establishment
8.	Promotion of PMS BS-18 to BS-19	57	35 31(R)	Establishment
9.	Promotion of PMS BS-17 to BS-18	84	10 66(R)	Establishment
10.	Promotion of Senior Private Secretary BS-18 to the post of Additional Private Secretary BS-19	02	01	Establishment
11.	Promotion of Private Secretary BS-17 to the post of Senior Private Secretary BS-18.	08	04 01 (R)	Establishment
12.	Promotion of Superintendent BS-17 to the post of PMS BS-17	77	05	Establishment
13.	Promotion of Personal Assistant BS-16 to the post of PMS BS-17	11	02	Establishment
14.	Promotion of Research officer BS-17 to the post of Member BS-18 in Provincial Inspection Team	02	01	PIT
15.	Promotion of Assistant Administrator/District Zakat officers BS-17 to the post of Deputy Administrator/Senior Zakat Officer BS-18.	06	03	Zakat
16.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 of local Fund Audit	04	02	Finance
17.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 in PHE department	06	02	PHE
18.	Promotion of officers of Information department from BS-17 to BS-18.	10	04	Information
19.	Promotion of Assistant Secretary BS-17 to the post of Senior Assistant Secretary BS-18 on acting basis.	08	02 01 (clear)	BOR
20.	Promotion of Superintending Engineer BS-19 to Chief Engineer BS-20	12	05	C&W

AGENDA OF THE PSB MEETING TO BE HELD ON 07.09.2023 AT 11:00 AM

ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
21.	Promotion of Executive Engineers BS-18 to the post of Superintending Engineer BS-19 in C&W Department	12	05	C&W
22.	Promotion Of Superintending Engineer BS-19 To The Post Of Chief Engineer BS-20 In Irrigation Department	09	03	Irrigation
23.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19.	08	04	Irrigation
24.	Promotion of Deputy Director Technical BS-18 to the post of Director Licensing BS-19 in the Directorate General of Mines and Minerals Khyber Pakhtunkhwa.	04	01	Mineral
25.	Promotion of Assistant Director Planning BS-17 to the post of Deputy Director Planning BS-18.	01	01	Mineral
26.	Promotion of Assistant Director Technical BS-17 to the post of Deputy Director Technical BS-18 in the Inspectorate of Mines Khyber Pakhtunkhwa.	02	01	Minerals
27.	Promotion of Director BS-19 to the post of Additional Director General BS-20	03	01	Sports
28.	Appointment of Deputy Director Sports & Regional Sports officer BS-18 to the post of Director Sports BS-19 on Acting charge basis	01	01 (R)	Sports
29.	Promotion of Assistant Director/Research officer BS-17 to the post of Curator BS-18	02	02	Sports
30.	Appointment of Deputy Director BS-18 to the post of Additional Director BS-19 on acting charge basis	01	01	ST&IT
31.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18	02	02	ST&IT
32.	Promotion of Assistant Director Network BS-17 to the post of Deputy Director Network BS-18.	01	01	ST&IT
33.	Promotion of Deputy Director/DPWOS/Senior Instructor (NT) BS-18 to the post of Director/DPWOS BS-19	02	01	Population
34.	Promotion of Senior Medical officer/ Deputy Principal RTIs/Senior Instructor (tech) BS-18 to the post of Principal RTIs/Director (tech) BS-19 on regular basis.	04	02	Population
35.	Promotion of Women Medical Officer/ Deputy District Population Welfare Officer (tech) BS-17 to the post of Deputy Director (tech)/ Senior Women Medical officer BS-18.	06	03	Population
36.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in Population Department	24	12	Population
37.	Promotion of Provincial Planning Service Officers from BS-18 to BS-19.	50	16	P&D
38.	Promotion of Deputy Director BS-18 to the post of Director BS-19 in Bureau of Statistics	01	01	P&D

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AGENDA OF THE PSB MEETING TO BE HELD ON 07.09.2023 AT 11:00 AM

ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
39.	Promotion of Provincial Planning Service officers from BS-17 to BS-18.	41	22	P&D
40.	Promotion of Administrative officer BS-17 to the post of Deputy Director (Admn & Accounts) BS-18 on regular basis	01	02	Livestock, Fisheries
41.	Promotion of Instructor BS-17 to The post of deputy Registrar/Principal BS-18.	02	02	Livestock, Fisheries
42.	Promotion of Conservator of Forests BS-19 to the post of Chief Conservator of Forest BS-20 on regular basis.	05	02	Environment
43.	Promotion of Divisional Forest Officers BS-18 to the post of Conservator of Forests BS-19 on regular basis in Forest Department Khyber Pakhtunkhwa	08	03	Environment
44.	Promotion/Appointment of GIS Specialist/GIS Analyst BS-17 to the post of GIS Manager BS-18	06	05	Environment
45.	Appointment of Assistant Director (Admn) BS-17 to the post of Deputy Director (Admn & Finance) BS-18	01	01	Environment
46.	Promotion of Assistant Director NTFP BS-17 to the post of Deputy Director NTFP BS-18	04	02	Environment
47.	Promotion of Associate professor BS-19 (technical subject) to the post of Professor BS-20	15	05	Industries
48.	Appointment of Associate Professor (Basic Science & Humanity Group) BS-19 to the post of Professor BS-20 on acting charge basis in Industries Department	06	02	Industries
49.	Appointment of Assistant Professor BS-18 (Basic Science & Humanity Group) to the post of Associate Professor BS-19 on acting charge basis.	14	07	Industries
50.	Promotion of Principal / Vice Principal BS-18 to the post of principal BS-19 at Government Technical & Vocational centres	03	04	Industries
51.	Promotion of officers from BS-17 to the post of Principals/Vice Principals BS-18 in GTVCS.	60	28	Industries
52.	Promotion of Lecturer BS-17. Degree holder (technical cadre) to the post of Assistant Professor BS-18 (women)	01	04	Industries
53.	Promotion of Lecturer BS-17 to the post of Assistant Professor BS-18 (Basic Science and Humanity Group) (women)	02	02	Industries
54.	Appointment of Assistant Director BS-17 to the post of Deputy Director/Chief Research Officer. Deputy Director Admn, & Monitoring BS-18 on acb	06	03	Industries
55.	Promotion of AIG Prisons / Dy. Commandant	03	03	Home

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AGENDA OF THE PSB MEETING TO BE HELD ON 07.09.2023 AT 11:00 AM

ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
	and Supdt: District Jail BS-18 to the post of DIG Prisons / Commandant / Supdt: Central Prisons BS-19			
56.	Promotion of Deputy Public Prosecutor BS-18 to the post of Senior Public Prosecutor/District Public Prosecutor BS-19 on Regular Basis.	65	11	Home
57.	Promotion of Deputy Superintendent Jail BS-17 to the post of AIG Prisons/Deputy Commandant and Superintendent District Jail BS-18.	07	01	Home
58.	Promotion of Assistant Director BS-17 to the post Deputy Director BS-18 in Inspectorate General of Prison.	06	03	Home
59.	Promotion of Senior Instructor Physical BS-18 to the post of Chief Instructor Physical Education BS-19.	13	08	E&SE
60.	Promotion of Management cadre officers (male) from BS-18 to BS-19	28	16	E&SE
61.	Promotion of Instructor Physical Education BS-17 to the post of Senior Instructor Physical Education BS-18	92	36	E&SE
62.	Promotion of Teaching Cadre (female) BS-17 to the BS-18 in E&SE department	300	228	E&SE
63.	Promotion of BS-19 officers to BS-20 of Agriculture extension wing of Agriculture department.	06	03 02 clear	Agriculture
64.	Promotion of Director BS-19 to the post of Director General BS-20 Soil and water Conservation Khyber Pakhtunkhwa.	02	01	Agriculture
65.	Promotion of Director BS-19 to the post of Director General On Farm Water Management/Additional Director General BS-20	04	01	Agriculture
66.	Promotion of BS-19 officers to BS-20 of Agriculture research wing of Agriculture Department	03	01	Agriculture
67.	Promotion of Director BS-19 to the post of Director General BS-20 Crop Reporting Services Wing of Agriculture Department.	02	01	Agriculture
68.	Promotion of Deputy Director BS-18 to the post of District BS-19 On Farm Water Management on regular basis	06	03	Agriculture
69.	Appointment of Deputy Director BS-18 to the post of Director BS-19 on acting charge basis in Agriculture Engineering Wing of Agriculture Department	04	02	Agriculture
70.	Promotion of officers of BS-18 to BS-19 of Agriculture Research Khyber Pakhtunkhwa.	14	08	Agriculture

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AGENDA OF THE PSB MEETING TO BE HELD ON 07.09.2023 AT 11:00 AM

ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
71.	Promotion of BS-18 officers to BS-19 of Agriculture Extension wing of Agriculture Department.	10	05	Agriculture
72.	Promotion of Assistant Agricultural Engineer/Assistant Director Planning BS-17 to the post of Deputy Director Agricultural Engineer/Deputy Director Planning BS-18	06	04	Agriculture
73.	Promotion of officers from BS-17 to BS-18 in Agriculture Research Khyber Pakhtunkhwa	03	04	Agriculture
74.	Promotion of Associate Professor Pharmacology BS-19 to the post of Professor Pharmacology BS-20 in Saidu Medical College Saidu Sharif Swat.	01	01	Health
75.	Promotion of Associate Professor Medicine BS-19 to the post of Professor Medicine BS-20 in SMC Swat	01	01	Health
76.	Promotion of Assistant Professor Medicine BS-18 to the post of Associate Professor Medicine BS-19 in SMC Swat	02	01	Health
77.	Promotion of Assistant Professor Biochemistry BS-18 to the post of Associate Professor Biochemistry BS-19 in Saidu Medical College Swat	02	01	Health
78.	Promotion of Assistant Professor Gynecology BS-18 to the post of Associate Professor Gynecology BS-19 in Saidu Medical College, Swat	01	01	Health
79.	Promotion of Nursing Staff from BS-18 to BS-19 in Health Department.	21	215	Health
80.	Promotion of Senior Registrar Medicine BS-18 to the post of Assistant Professor Medicine BS-18 in SMC Swat	03	01	Health
81.	Promotion of Senior Registrar Paeds BS-18 to the post of Assistant Professor Paeds BS-18 in SMC Swat.	04	01	Health
82.	Promotion of Professor BS-20 to the post of Principal BS-21 GCMS/GCCS in Higher Education Department	06	03	HED
83.	Promotion of Associate Professor Male BS-19 to the post of Professor BS-20 GCMS/GCCS.	10	06	HED
84.	Promotion of Assistant Professor (Female) BS-18 to the post of Associate Professor BS-19 GCMS / GCC	04	07	HED
85.	Promotion of Senior Librarian BS-18 to the post of Deputy Chief Librarian BS-19 Female of College Cadre.	20	17	HED
86.	Promotion of Lecturer BS-17 Female to the post of Assistant Professor BS-18 GCMS/GCCS.	12	09	HED

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT**

AUTHORITY LETTER

Mr. Sohrab Khan, Law Officer (BPS-17), Higher Education, Archives & Libraries Department Government of Khyber Pakhtunkhwa is hereby authorized to submit Joint Parawise Comments in the Peshawar Services Tribunal, Peshawar on behalf of Respondents in Service Appeal No. 396/2024 Titled Abdul Saboor Versus Govt. of Khyber Pakhtunkhwa & others on behalf of official respondents.

(Capt (R) Kamran Ahmed Afridi)
Secretary,
Higher Education, Archives,
Libraries Department

Secretary
Govt. Of Khyber Pakhtunkhwa
Higher Education,
Archives & Libraries
Department.