

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 732/2024

Sajjad Ali,
Assistant Professor Maths,
Government College of Management Sciences Peshawar

..... Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar and others.

..... Respondents.

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

I N D E X

Sr. No.	Description of Documents	Annexure	Page No.
1)	Written Reply/Comments along with affidavit		1-6
2)	Minutes of the Meeting Dated 28-02-2011	A	7-9
3)	Seniority List 31-12-2009	B	10-17
4)	Minutes of the Meeting Dated 09-12-2016	C	18-24
5)	Committee report notified on 23-02-2021	D	25-32
6)	Application U/S 12(2) CPC	E	33
7)	Clarification of Order sheet on 19-09-2023	F	34
8)	Observations on Seniority list of affected employees	G-H	35-37
9)	Letters of Respondent No. 02 Vide letter date 30-11-2022 & 22-02-2023.	I-J	38-40
10)	Letter of Withdrawn dated 19-01-2024	K	41
11)	Appointment orders of appellants	L	42-46
12)	Authority letter	M	47


Deponent

Dated: -----/-----/-----24

SERVICE APPEAL NO. 732/2024

Sajjad Ali,
Assistant Professor Maths,
Government College of Management Sciences Peshawar

VERSUS

**Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar and others.**

..... *Appellant.*

Khyber Pakhtunkhwa
Service Tribunal

Case No. 16489

Dated 29-10-24

..... *Respondents.*

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

Respectfully Sheweth: -

Preliminary Objections: -

1. That the Appellant does not fall within the definition of an aggrieved person and has no locus standi to file the appeal in hand.
2. That the Appellant has got no cause of action to file the instant case.
3. That the Appellant is estopped by his own conduct to file the instant appeal.
4. That filing of this appeal is a futile exercise on the part of appellant and is aimed at wastage of precious time of this Honorable Service Tribunal as well as the Govt. and public hence, is liable to be dismissed in limine.
5. That the instant appeal is barred by law and thus not maintainable.
6. That the appeal in hand is barred by limitation hence, not entertainable.
7. That the appeal is bad for both miss-joinder and non-joinder of necessary and unnecessary parties.
8. That this appeal is hit by the principle of laches.

On Facts: -

1. Para-1 pertains to record hence, no comments.
2. Para -2 is incorrect. Length of service and availability of post is not the sole criteria to qualify a person for promotion. Other conditions such as seniority-cum-fitness, prescribed promotion criteria of the Provincial Government, prescribed service rules of the department and Performance Evaluation Reports (PERs) are also taken into consideration at the time of promotion. Moreover, promotion is also made with immediate effect rather than retrospective one. According to the Recruitment & Promotion Rules of the department, notified on 03-12-2010, the promotion quota for the post of Assistant Professors (BPS-18) was reduced from 80% to 60%. Accordingly, there

were 162 posts of Assistant Professor (BPS-18) in the Commerce side, out of which 97 posts fell to the share of promotion while 65 posts thereof fell to the share of initial recruitment. It is worth pointing out that at the time of amendments in the relevant service rules all the posts falling to promotion quota were already filled. The appellant was not eligible for promotion at that time due to shortage of length of the required service as the appellant was appointed on 18-05-2007 as Lecturer (BPS-17), while, according to the Service Rules 2010, 05 years length of service was required for promotion to the post of Assistant Professor (BPS-18). It is further added that the Provincial Selection Board in its meeting held on 28-02-2011 promoted eight 08 Lecturers against the vacant posts of Assistant Professors (BPS-18) as mentioned at serial No.3,4,6,7,8,9,11 and 12 of the seniority list as stood on 31-12-2009 (PSB minutes are placed at Annexure-A) while the appellant stood at serial No.49 of the seniority list of 2009.(Seniority list is placed at Annexure-B) In light of the judgment of the August Supreme Court of Pakistan dated 09-12-2015, promotion case of Lecturers (BPS-17) was processed in the year 2016 and 33 Nos thereof were promoted to the posts of Assistant Professor (BPS-18) as per their seniority position. The appellant was junior to all these 33 Lecturers (BPS-17) who were promoted to the posts of Assistant Professor (BPS-18). (Minutes of the meeting dated: 09-12-2016 are exhibited as Annexure-C).

3. Para-3 is correct to the extent that the appellant submitted his grievances through an application addressed to respondent No. 02 whereupon the latter constituted a committee Vide office order No. DGCE&MS/ADMN/Enquiry Gen:/312(1-4) dated 23-02-2021, with the mandate to probe into the issue in question. In their report submitted to the department, the committee stated *"The appeals of the applicant cannot be entertained by this committee as these fall outside the jurisdiction of the committee to recommend to the department for entertaining their claims for grant of ante-dated seniority. They may approach the competent authority for redressal of their grievances, if there be any"*. (Annex-D).
4. Para- 04 is correct to the extent that the appellant's application was entertained and Respondent No. 02 had constituted a committee for redressal of his grievance. In their report, the committee while making reference to Rule, 17 (2) of APT Rules 1989 stated: **"their plea seems to be sustainable in light of the said rule"**. But the committee failed to observe that the appeal filed by the applicant had already been time -barred by a considerable period of 15 years which constituted a glaring violation of the KP Appeal Rules, 1986. In addition, the committee did not take into consideration the fact of appointment of the private respondents much before the promotion of the appellant i.e. 04 years earlier.
5. Para- 05 pertains to record hence, no comments.
6. Para- 06 pertains to record hence, no comments.

7. Para- 07 is correct. However, it is also worth pointing out that the private respondent No. 06 namely Nazir shah had submitted an application to the Service Tribunal U/S 12(2) CPC in appeal no 5005/2021, seeking clarification of the Service Tribunal's order sheet dated 05-01-2023, Which was fixed for hearing before the Division Bench on 19-09-2023. (Annex-E). Operative part of the Service Tribunal dated: 19-09-2023 in this regard is reproduced as under:

"The learned counsel has annexed copy of the order of Tribunal dated 05.01.2023, which, on perusal shows that it is not a judgment rather an order disposing of appeal No. 4998/2021 titled "Sajjad Ali-vs- Government of Khyber Pakhtunkhwa and others" rendering the same to be fruitless in view of letter No. SO(CE&MS)HED/1-16/394(1-3) dated 20.07.2022. The learned counsel, when confronted with the situation that vide order dated 05.01.2023, the appeal was disposed of rendered that to be fruitless in view of the above letter and neither any judgment was passed by the Tribunal nor direction given by the Tribunal as is reflected in the remarks column (9) of the seniority list at page-108 of the petition. The learned counsel says that he is satisfied on the above observation and would not press this petition. Disposed of accordingly. Consign". (Annex-F)

Meanwhile, the aggrieved Associate Professors submitted applications dated: 02/08/2023 & 21/08/2023 to the Secretary Establishment and Secretary Higher Education Department containing certain observations on the seniority list of BPS-19 (Commerce Wing) as stood on 31-12-2022, with the request to withdraw H.E.D letter No. SO(CE&MS)/HED/1-16/394(1-3) dated: 20-07-2022, whereby relief was granted to the appellants and their seniority position was ordered to be fixed with effect from the date of appointment i.e. 15-05-2007 instead of the date of joining duty i.e. 18-05-2007. (Annex-G & H).

In their letter dated: 22-02-2023, the Director General (Commerce Education & Management Sciences) while referring to the decision taken in a meeting with the Special Secretary, Higher Education, Department held on 13-02-2023 and after submitting detailed account/background of the case, stated that if appeal of the appellants is accepted at this stage it will lead to a lot of complications and will open up a Pandora box of litigations, as per para-2(v) of the said letter. The Director General (CE&MS) however, requested for taking up the matter with Establishment Department to resolve the issue. (Annex-I) After process of this request, Higher Education Department finally withdrew its earlier decision thereby restoring the date of appointment in respect of the appellants with the effect from the date of joining i.e. 18-05-20207 instead of date of appointment i.e. 15-05-2007 (Annex-J)

8. Para 06 pertains to record. However, the appellant mislead both the Hon'ble Tribunal and Respondent No. 03 by concealing material facts like non-disclosure of the fact of appointment of the private respondents 04 years before promotion of the appellants. It may be recalled that the private respondents were appointed on the recommendations of

Khyber Pakhtunkhwa, Public Service Commission against the posts of Assistant Professor (BPS-18) through initial recruitment in the year, 2014 i.e. almost 04 years before promotion of the present appellant to the post of Assistant Professor (BPS-18) in the year, 2018. Meanwhile, the private respondents also submitted a joint application to the respondent No.03 for redressal of their grievances. Whereupon respondent No.03 called upon both the parties with a view to resolving the issue. Resultantly, Respondent No. 03 decided to withdraw its earlier letter dated 20-07-2022, in the public interest.

9. Para No. 09 is incorrect. As explained in preceding para.

REPLY ON GROUNDS:-

a) Incorrect. The appellant was promoted to the post of Assistant Professor BPS-18 on 10-08-2018 while the private respondents No. 04 to 27 were appointed against the posts of Assistant Professors (BPS-18) by initial recruitment in the year 2014 on the recommendations of K.P. Public Service Commission (**Appointment orders are annexed as K**). While submitting / presenting his application to the secretary H.E.D, the appellant deliberately concealed material facts like the one mentioned herein before. Respondent No. 03 was however, pleased to withdraw its earlier letter of relief granted earlier to the appellant.

b) Incorrect hence, denied. The committee actually recommended, *“The appeals of the applicant cannot be entertained by this committee as these fall outside the jurisdiction of the committee to recommend to the department for entertaining their claims for grant of ante-dated seniority. They may approach the competent authority for redressal of their grievances, if there be any”*. (Already Annexed as Annex-D).

c) As already explained in the preceding Para 05 on facts.

d) Incorrect & misleading. The so-called right was created on the basis of wrong information and keeping the dealing authorities in dark. Material facts of the case were not earlier disclosed to the respondent No. 03. Hence, the same being based on mistake of material facts is void ab initio.

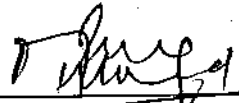
e) Incorrect. As explained in preceding Paras.

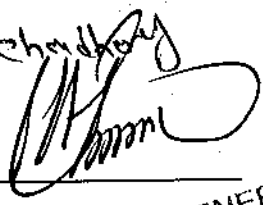
f) Incorrect. The Appellant has been treated in accordance with laws and regulations.

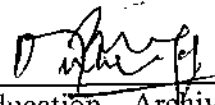
g) The Respondents also seek the permission of this Hon'ble Tribunal to advance additional arguments and raise additional grounds at the time of arguments.

Prayer: -

In view of the above submissions, it is humbly prayed that the Service Appeal in hand may be dismissed with costs, being devoid of merit and badly time barred.

Respondent No. 1. 
Government of Khyber Pakhtunkhwa,
Through its Chief Secretary, Civil
Secretariat, Peshawar.
Nadeem Aslam Chaudhary

Respondent No. 2. 
Director General, Commerce Education & Management Sciences, Peshawar
Umar Ali Khan
DIRECTOR GENERAL
COMMERCE EDUCATION & MANAGEMENT SCIENCES
PESHAWAR

Respondent No. 3. 
Secretary Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa

Captain Rtd Kamran Afridi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 732/2024

Sajjad Ali,
Assistant Professor Maths,
Government College of Management Sciences Peshawar

..... Appellant.

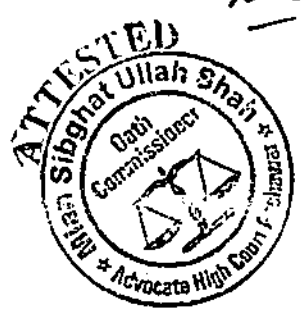
VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar and others.

..... Respondents.

AFFIDAVIT

I, Umar Ali Khan, Director General, Directorate General of Commerce Education and Management Sciences, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the parawise comments on behalf of Respondents are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'able Court. It is further stated on oath that in this appeal, the remaining respondents neither has been present in person nor their defence has been struck off/contd.



[Handwritten Signature]
Deponent.

Name: Umar Ali Khan
CNIC: 11101-1517239-5
Mobile: 0333-8787541

Dated: 30/8/2024.

CONFIDENTIAL
IMMEDIATE

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO.SO(PSB)ED/1-10/2011/P-105
Dated Peshawar, the 05.03.2011

To

The Secretary to
Government of Khyber Pakhtunkhwa,
Industries, Commerce &
Technical Education Department.

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION
BOARD HELD ON 28.02.2011

PROMOTION TO THE POST OF ASSISTANT PROFESSOR
BS-18 GOVT. COLLEGE OF COMMERCE/MANAGEMENT SCIENCES.

Dear Sir,

I am directed to refer Industries Department letter No.SOIII(IND)TE/1-5, dated 22.02.2011 on the subject and to forward herewith an extract of Addl. item No.11 of the minutes/recommendations of the meeting of Provincial Selection Board held on 28.02.2011 for further necessary action/obtaining approval of the competent authority.

Yours faithfully

(HAROON-UR-RASHID)
SECTION OFFICER (PSB)

Encl: As Above
Endsi. of even No. & date.

A copy is forwarded to the:-

1. Section Officer (R.I) Establishment Department: An extract of Addl item No.11 of the minutes of the meeting is enclosed.
2. Section Officer-III, Govt of Khyber Pakhtunkhwa, Industries Department. He is requested to depute his representative to collect working papers from this office immediately.

DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

SECTION OFFICER (PSB)

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ADDL. ITEM NO. 11

INDUSTRIES DEPARTMENT
(Meeting of PSB held on 28/02/2011)

**SUBJECT:- PROMOTION TO THE POST OF ASSISTANT PROFESSOR BS-18
GOVT. COLLEGE OF COMMERCE/MANAGEMENT SCIENCES.**

Secretary Industries apprised the Board that there are 162 sanctioned posts of Assistant Professors, 40% of the posts are filled by initial recruitment and 60% by promotion. Share of initial recruitment @ 40% comes to 64.8. Share of promotion @ 60% comes to 97 where-against 89 officers are already working and the remaining 8 posts are lying vacant. He further informed the Board that information furnished at para-4 of PSB-I proforma of working paper will be corrected accordingly.

3. According to service rules, the post is required to be filled as under:-

Sixty percent by promotion, on the basis of seniority cum fitness, from amongst the Lecturers BS-17, (Commerce/Management Sciences), having Masters Degree in the relevant subject with five years service as such and

Forty percent by initial recruitment

4. The service record of the officers included in the panel was discussed as follows:-

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1	Mr. Farman Ali Khan	His date of birth is 01.03.1972. He joined government service on 27.10.2001 in BS-17. He has proceeded to Austria for Ph.D for four years w.e.f. 1.1.2007. The Board did not consider him for promotion.
2	Mr. Muhammad Zeb	His date of birth is 06.03.1974. He joined government service on 07.11.2001 in BS-17. He remained on EOL from 1.2.2009 to 31.1.2011 and submitted resignation w.e.f. 31.12.2010 which is under process. The Board did not consider him for promotion.
3	Mr. Muhammad Younis	His date of birth is 15.03.1979. He joined government service on 19.4.2005 in BS-17. Already appointed to BS-18 on acting charge basis. No enquiry is pending against him. His service record upto 2009 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.
4	Mr. Asfandiyar Yousaf	His date of birth is 01.06.1977. He joined government service on 27.4.2005 in BS-17. Already appointed to BS-18 on acting charge basis. No enquiry is pending against him. His service record upto 2009 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.
5	Mr. Zahid Nawaz	Not considered. He joined police service on 15.1.2009
6	Mr. Farid Hussain	His date of birth is 27.01.1971

Wesed
[Signature]
Section Officer (PSH)
Govt. of Khyber Pakhtunkhwa
Establishment Department

[Signature]
DEPUTY DIRECTOR
Directorate General of Commerce
Management Sciences

CONFIDENTIAL

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against him. His service record upto 2009 is generally good.

The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.

His date of birth is 05.04.1975. He joined government service on 20.4.2005 in BS-17. No enquiry is pending against him. His service record upto 2009 is generally good.

The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.

His date of birth is 30.08.1977. He joined government service on 02.5.2005 in BS-17. No enquiry is pending against him. His service record upto 2009 is generally good.

The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.

His date of birth is 15.02.1979. He joined government service on 19.4.2005 in BS-17. No enquiry is pending against him. His service record upto 2009 is generally good.

The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.

Not considered. Removed from service on 22.6.2010.

His date of birth is 01.02.1973. He joined government service on 13.9.1999 and promoted to BS-17 on 27.4.2005. No enquiry is pending against him. His service record upto 2009 is generally good.

The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.

His date of birth is 10.11.1977. He joined government service on 21.4.2005 in BS-17. No enquiry is pending against him. His service record upto 2009 is generally good.

The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year.

7 Mr. Muhammad Idrees

8 S. Zulfiqar Ali Shah


9 Mr. Abdur Rashid

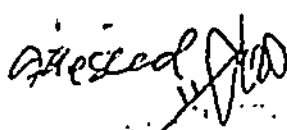
10 Mr. Zahoor Jan

11 Mr. Maliullah Khan

12 Mr. Muhammad Jamil Khan

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Education & Management Sciences
Lahore



Mr. Zahoor Jan

(16) Annex- (A) B

**FINAL SENIORITY LIST OF INSTRUCTORS / LECTURERS (BPS-17) GOVT: COLLEGES OF COMMERCE /
GOVT: COLLEGES OF MANAGEMENT SCIENCES AS STOOD ON 31-12-2009.**


Total Sanctioned posts. 225
Permanent: 225
Temporary:

Sr. No	Name of Incumbents with academic Qualification.	Date of Birth with Domicile	Date of Ist entry into Govt. Service	Regular appointment / promotion to the present post			Present appointment.
				Date	BPS	Method of Recruitment	
1.	Mr. Farman Ali Khan, M.Sc (Computer Sc-I).	01-03-1972 Lakki.	27-10-2001	27-10-2001	BS-17	By Initial.	Proceeded to Austria for Ph.D for four years from 01-1-2007.
2.	Mr. Muhammad Zeb, M.Com-I.	06-03-1974 Dir	07-11-2001	07-11-2001	BS-17	By Initial.	On leave without pay from 01-2-2009 to 31-1-2011
3.	Mr. Muhammad Younis, M.Sc (Computer-I)	15-3-1979 Thana	19-4-2005	9-4-2005	BS-17	By Initial	Promoted as Assistant Prof on Acting charge basis on 01-4-2009
4.	Mr. Asfandyar Yousaf, M.Com-I / MA (Economics-II)	01-6-1977 Swabi	27-4-2005	27-4-2005	BS-17	By Initial	Promoted as Assistant Prof on Acting charge basis on 01-4-2009
5.	Mr. Zahid Nawaz MA. English-II	15-03-1979 Lakki.	25-04-2005	25-04-2005	BS-17	By Initial	Selected as ASP in Police Deptt. Relived on 14-01-09. Retains lien for two years.
6.	Mr. Fazal Hussain M.Sc (Computer Science-I)	27-01-1971 Malakand	25-04-2005	25-04-2005	BS-17	By Initial	Instructor Computer Science)
7.	Mr. Muhammad Idrees M.Sc (Computer Science-I)	05-04-1975 Manshra.	20-04-2005	20-04-2005	BS-17	By Initial	Instructor Computer Science)


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Directorate General of Commerce
Education & Management Sciences
Peshawar

8.	S.Zulfiqar Ali Shah M.Sc (Computer Science-I)	30-08-1977 Kohat	02-05-2005	02-05-2005	BS-17	By Initial	Instructor Computer Science)
9.	Mr. Abdur Rashid, M.Sc (Computer Science-I)	15-02-1979 Charsadda.	19-04-2005	19-04-2005	BS-17	By Initial	Instructor Computer Science)
10.	Mr. Zahoor Jan M.Sc (Computer Science-I)	15-4-1979 Charsadda	01-05-2005	01-05-2005	BS-17	By Initial	Instructor (Computer Sc). Removed from service vide Industries Deptt: order No.SOIII(IND) TE/4-50/ 2010/8298 dt: 22-6-2010
11.	Mr. Maliullah Khan M.Com-II	1-2-1973 FR Bannu	13-09-1999	27-04-2005	BS-17	By initial	Instructor (Commerce).
12.	Mr. Muhammad Jamil Khan M.Sc (Computer Science-I)	10-11-1977 Peshawar	21-04-2005	21-04-2005	BS-17	By Initial	Instructor Computer Science)
13.	Mr. Muhammad Yaseen, M.Sc (Computer Science-I)	2-1-1978 FR Kohat	01-05-2005	01-05-2005	BS-17	By Initial	Instructor Computer Science)
14.	Mr. Jehangir Khan MA. English-II / B.Ed	10-03-1978 Mardan	13-05-2005	13-05-2005	BS-17	By Initial	Instructor (English)
15.	Mr. Riaz Ali M. Sc (Computer Science-I)	20-08-1976 Swat	12-5-2005	12-05-2005	BS-17	By Initial	Instructor Computer Science)
16.	Mr. Rasta Baz Khan i) M. Sc (Economics-II/D.Com	05-11-1959 Bannu	20-10-1986	29-05-2005	BS-17	By Promotion	Instructor (ETS).
17.	Mr. Rast Baz Khan i) M.Com-II/D.Com.	20-10-1959 Bannu	09-10-1986	29-05-2005	BS-17	By Promotion	Instructor (ETS).
18.	Mr. Inayat Ullah Jan i) M. Sc(Maths-II)	01-01-1967 Dir.	27-9-1990	29-05-2005	BS-17	By Promotion	Instructor (Sta/B.Maths).
19.	Mr. Hussain Ali Shah i) M.Com-II	19-07-1962 Bannu	29-11-1986	29-05-2005	BS-17	By Promotion	Instructor (Commerce).
20.	Mr. Jehan Zeb M.Com-I	08-03-1968 Peshawar.	27-1-1998	21-10-2005	BS-17	By initial	Instructor (Commerce)

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21.	Mr. Razaqat Ullah M.A.(Economics-I)	12-11-1978 Peshawar	20-10-2005	20-10-2005	BS-17	By initial	Instructor (Economics).
22.	Mr. Riaz ud Din M.A. (English) II	03-03-1974 Swat	1-12-2005	01-12-2005	BS-17	By initial	Instructor (English).
23.	Mr. Bacha Khan M.A.(English-II)	03-12-1979 Bunir	15-11-2005	15-11-2005	BS-17	By initial	Instructor (English).
24.	Mr. Fazal Ahmad, i) M.A.(Urdu-III)/LLB. ii) M.A.(Islamiat-II).	10-02-1957 Thana	23-7-1986	27-01-2006	BS-17	By Promotion	Instructor (Urdu).
25.	Mr. Abdul Naib Khan i) M.A.(Economics-II/D.Com.	11-12-1964 Bannu.	29-10-1986	27-01-2006	BS-17	By Promotion	Instructor (ETS).
26.	Mr. Muhammad Saeed i) M. Sc (Maths-I)/M. Ed.	03-09-1968 Swabi	23-10-1993	27-01-2006	BS-17	By Promotion	Instructor (Stat.& B.Maths).
27.	Mr. Dawood Khan i) M.B.A.I	07-09-1963 Lakki	23-02-1987	27-01-2006	BS-17	By Promotion	Instructor (Commerce)
28.	Mr. Muhammad Ajmal i) M.Com-I	22-04-1965 Mansehra	24-02-1987	27-01-2006	BS-17	By Promotion	Instructor (Commerce)
29.	Mr. Muhammad Shah Noor. i) M.Com-II	01-01-1962 Kohat	01-03-1987	11-02-2006	BS-17	By Promotion	Instructor (Commerce)
30.	Mr. Farman Ullah M.A. Pak Studies-I	17-02-1981 Peshawar	01-04-2006	01-04-2006	BS-17	By Initial	Instructor (Pak Studies)
31.	Mr. Sahib Ala i) M.A. Urdu-III	15-05-1951 Chitral	02-12-1978	26-05-2006	BS-17	By Promotion	Instructor (Urdu)
32.	Mr. Maqbool Jalal i) M.A. Islamiat-II ii) C. Com	01-01-1959 Chitral	29-05-1983	26-05-2006	BS-17	By Promotion	Instructor (ETS)
33.	Mr. Sajjad Khan i) M.A. Islamiat-II ii) D. Com	13-10-1964 Bannu	13-11-1986	26-05-2006	BS-17	By Promotion	Instructor (ETS)

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Directorate General of Commerce
Education & Management Sciences
Peshawar


34.	Mr. Nadeem Anjum Ansari i) M.A. Urdu-II ii) D. Com	15-06-1968 Peshawar	11-12-1989	26-05-2005	BS-17	By Promotion	Instructor (ETS)
35.	Mr. Sultan Zeb i) M. Com-II	03-02-1962 Thana	17-03-1987	26-05-2006	BS-17	By Promotion	Instructor (Commerce)
36.	Mr. Khalid Hussain i) M. Com-II	09-03-1963 Abbottabad	28-04-1987	26-05-2006	BS-17	By Promotion	Instructor (Commerce)
37.	Mr. Muhammad Tariq i) M. Com-I	10-03-1963 Swabi	29-04-1987	26-05-2006	BS-17	By Promotion	Instructor (Commerce)
38.	Mr. Alamgir i) M. Sc Stat-II	06-01-1958 Malakand	08-04-1995	26-05-2006	BS-17	By Promotion	Instructor (State & B. Maths)
39.	Mr. Gul Faiz Khan i) M. Com-II ii) M.A. P/Sc-II	26-10-1957 Chitral	03-08-1997	26-05-2006	BS-17	By Promotion	Instructor (Commerce)
40.	Mr. Shafi-uz-Zaman i) M. Com-II	01-04-1958 Mardan	17-03-1984	26-05-2005	BS-17	By Promotion	Instructor (Commerce)
41.	Mr. Khan Muhammad i) M.A. (Islamiat-II)/D. Com.	01-04-1956 Dir.	08-03-1984	17-05-2007	BS-17	By Promotion	Instructor (ETS)
42.	Mr. Ali Akbar Shah i) M.A. (Urdu-II)/D. Com.	18-10-1965 Mansehra.	16-05-1987	17-05-2007	BS-17	By Promotion	Instructor (ETS)
43.	Mr. Gul Ibrahim Shah i) M.A. (Islamiat-II)/D. Com.	14-05-1959 Bannu.	25-11-1985	17-05-2007	BS-17	By Promotion	Instructor (ETS)
44.	Mr. Muhammad Parwar i) M.A. (IR-II)/C. Com. ii) M.A. (Islamiat-I).	15-11-1958 Swabi.	12-01-1987	17-05-2007	BS-17	By Promotion	Instructor (ETS)
45.	Mr. Shah Janan i) M. Sc. (Statistics)/C. Com.	22-02-1960 Bannu.	01-03-1987	17-05-2007	BS-17	By Promotion	Instructor (ETS)
46.	Mr. Amin Ullah i) M. Sc (Maths-II).	25-05-1965 Peshawar.	15-10-1988.	17-05-2007	BS-17	By Promotion	Instructor (Stat: B. Maths)

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 Education & Management Sciences
 Peshawar

47.	Mr. Fida-ur-Rehman i) M.Com-II	01-01-1968 Chitral	16-10-1998	17-05-2007	BS-17	By Promotion	Selected as Assistant Professor BPS-18 on 29-07-2008. Retains lien against the Post of Instructor (Commerce) B-17
48.	Mr. Muhammad Haroon. i) M.B.A.II	30-03-1973 N.W.A.	06-11-1999	17-05-2007	BS-17	By Promotion	Instructor (Commerce)
49.	Mr. Sajjad Ali i) M. Sc (Statistics-I)	01-06-1979 Peshawar	25-09-2006	18-05-2007	BS-17	By initial	Instructor (Stat: & B.Maths)
50.	Muhammad Asif i) M. Sc (Maths-I)/B.Ed.	01-09-1979 Khyber Agy.	18-05-2007	18-05-2007	BS-17	By initial	Instructor (Stat:&B.Maths)
51.	Mr. Jamroz Khan i) M. Sc (Maths-I)/B.Ed.	01-01-1982 Peshawar	18-05-2007	18-05-2007	BS-17	By initial	Instructor (Commerce)
52.	Mr. Bahadar Khan, M.Com-I	12-01-1975 Dir.	20-11-2001	01-04-2008	BS-17	By initial	Instructor (Commerce)
53.	Mr. Farid Ullah, M.Com-I	15-01-1981 Bannu	06-05-2006	15-03-2008	BS-17	By initial	Instructor (Commerce)
54.	Muhammad Naveed Khan, M.Com-I	02-03-1978 A/Abad.	29-03-2008	29-03-2008	BS-17	By initial	Instructor (Computer Sc.).
55.	Mr. Mujeeb-ur-Rehman M. Sc. (Computer Science-I)	02-06-1983 Peshawar	24-04-2008	24-04-2008	BS-17	By initial	Instructor (Computer Sc.).
56.	Mr. Naeem Ullah, M. Sc. (Computer Science-I)	01-04-1981 Swat	24-04-2008	24-04-2008	BS-17	By initial	Instructor (Computer Sc.).
57.	Mr. Miskeen Shah M. Sc. (Computer Science-I)	15-03-1978 Abbottabad	25-04-2008	25-04-2008	BS-17	By initial	Instructor (Computer Sc.).
58.	Mr. Nasir Jamal, M. Sc. (Computer Science-I)	14-10-1978 Nowshera	01-05-2008	01-05-2008	BS-17	By initial	Instructor (Computer Sc.).
59.	Mr. Muhammad Wasim M. Sc. (Computer Science-I)	11-04-1984 Haripur	25-04-2008	25-04-2008	BS-17	By initial	Instructor (Computer Sc.).

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60.	Syed Hamad Sherazi, B. Sc. (IT Hons)	01-04-1982 Mansehra	01-05-2008	01-05-2008	BS-17	By initial	Instructor (Computer Sc.).
61.	Mr. Fazli Akbar, M. Sc. (Computer Science).	02-03-1982 Moh Agency	01-03-2006	24-04-2008	BS-17	By initial	Instructor (Computer Sc.).
62.	Mr. Latif Ullah Khan, M. Sc. (Computer Science-II)	15-03-1981 Lakki	24-04-2008	24-04-2008	BS-17	By initial	Instructor (Computer Sc.).
63.	Mr. Salim Khan, i)M. Sc (Maths-I) / M. Ed ii)M.A.(Economics).	06-03-1972 Malakand	31-05-2008	31-05-2008	BS-17	By initial	Instructor (Stat: B.Maths).
64.	Sardar Ijaz Ahmad, MBA-I	28-07-1977 Abbottabad	28-06-2008	28-06-2008	BS-17	By initial	Instructor (Commerce)
65.	Mr. Aziz Ahmad, MBA-I	28-04-1974 Chitral	01-07-2008	01-07-2008	BS-17	By initial	Instructor (Commerce).
65.	Mr. Saleem Khan, M. Sc (Maths-I)	12-09-1970 Mardan	25-07-1997	15-11-2008	BS-17	By Promotion	Instructor (Stat: & B. Maths).
67.	Mr. Abdul Qayyum, M. Sc (Maths-II)	09-01-1971 Lakki	25-09-1997	15-11-2008	BS-17	By Promotion	Instructor (Stat: & B. Maths).
68.	Mr. Bashir Ahmad, M. Sc (Maths-II).	01-04-1976 Haripur	21-09-1997	15-11-2008	BS-17	By Promotion	Instructor (Stat: & B. Maths).
69.	Mr. Umer Ali Khan, M. Sc (Maths-I)	02-02-19972 F.R. Bannu	11-11-1999	15-11-2008	BS-17	By Promotion	Instructor (Stat: & B. Maths).
70.	Mr. Muhammad Ismail, M. Com-I.	01-04-1970 Khar	28-10-1998	15-11-2008	BS-17	By Promotion	Instructor (ETS).
71.	Mr. Gul Muhammad, M. A. (Eco-II)/ D. Com.	10-04-1960 Chitral	26-09-1987	15-11-2008	BS-17	By Promotion	Instructor (ETS).
72.	Mr. Mehtab Khan M.A.(English) II	13-03-1982 Abbottabad	29-01-2009	29-01-2009	BS-17	By initial	Instructor (English).
73.	Mr. Muhammad Dost, M.A (Economics-I) M.Ed	15-01-1981 Dir	12-03-2009	12-03-2009	BS-17	By initial	Instructor (Economics)


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 Directorate General of Commerce
 Education & Management Sciences
 Peshawar

74.	Mr. Muhammad Imran, M.Sc (Economics-I) M.Phil	25-03-1980 Abbottabad	21-3-2009	21-3-2009	BS-17	By initial	Instructor (Economics)
75.	Mr. Humayun Akhtar, M.A (Economics-I) B.Ed	20-03-1978 Bannu	20-03-2009	20-03-2009	BS-17	By initial	Instructor (Economics)
76.	Mr. Azhar Nawaz, M.Sc (Economics-I)	01-03-1954 Abbottabad	20-03-2009	20-03-2009	BS-17	By initial	Instructor (Economics)
77.	Mr. Sajjad Hussain, M.A (Economics-I) B.Ed	02-01-1978 Charsadda	25-3-2009	25-3-2009	BS-17	By initial	Instructor (Economics).
78.	Mr. Shamsheer Ali, M.A (Economics-I)	22-02-1985 Swat	20-03-2009	20-3-2009	BS-17	By initial	Instructor (Economics).
79.	Mr. Shahabe-e-Saqib, i) M.Sc (Economics-I).	04-03-1983 Mohmand Agency	28-3-2009	28-3-2009	BS-17	By initial	Instructor (Economics).
80.	Mr. Muhammad Zahoor, i) M.A. (Urdu-II/D.Com.	16-01-1966 Mansehra	19-12-1989	25-3-2009	BS-17	By Promotion	Instructor (ETS)
81.	Mr. Muhammad Ilyas M.A.(Islamiat-II)/B.Com-I	15-07-1968 Bannu.	19-09-1997	25-3-2009	BS-17	By Promotion	Instructor (ETS).
82.	Mr. Behram Khan i) M.A. (Pak: Studies) II/B.Ed	15-02-1979 Lakki.	20-5-2009	20-5-2009	BS-17	By initial	Instructor (P/Studies).
83.	Mr. Aftab Khan i) M.A. (Pak: Studies-I) / M.Ed.	15-01-1982 Mohmand Agy.	23-4-2009	23-4-2009	BS-17	By initial	Instructor (P/Studies).
84.	Mr. Mustafa Kamal i) M.A.(Pak:Studies)/B.Ed.	01-04-1982 Mardan.	22-04-2009	22-4-2009	BS-17	By initial	Instructor (P/Studies).
85.	Mr. Waheed Ullah i) M.A. (Pak: Studies)	15-03-1983 Malakand	21-05-2009	21-5-2009	BS-17	By initial	Instructor (P/Studies).
86.	Mr. Muhammad Rashid i) M.A.(Pak:Studies)/B.Ed.	02-02-1971 Karak	23-04-2009	23-4-2009	BS-17	By initial.	Instructor (P/Studies).
87.	Mr. Muhammad Khalid. i) M.A. (Pak: Studies)	01-04-1978 Mansehra..	21-05-2009	21-5-2009	BS-17	By initial.	Instructor (P/Studies)

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88.	Mr. Zia Ullah M.A. (English-II) / B. Ed.	25-10-1982 Peshawar	23-4-2009	23-4-2009	BS-17	By initial	Instructor (English).
89.	Mr. Ahmad Yar Khan M.A. (English-II)	16-06-1981 Malakand	23-04-2009	23-4-2009	BS-17	By initial	Instructor (English)
90.	Mr. Irfan Ullah M.A. (English-II) / B. Ed.	25-06-1981 Lakki	25-04-2009	25-4-2009	BS-17	By initial	Instructor (English).
91.	Mr. Masood Shah M.A. (English-II)	12-01-1978 Charsadda	06-11-2006	02-5-2009	BS-17	By initial	Instructor (English)
92.	Miss. Aikmeena M. Com-I	30-03-1983 Bannu	11-04-2007	19-5-2009	BS-17	By initial	Instructor (Commerce)
93.	Miss. Rabia Iftikhar M. Com-I	23-02-1984 Peshawar	20-05-2009	20-5-2009	BS-17	By initial	Instructor (Commerce)
94.	Miss. Musarat Naveed M. Com-I	28-03-1982 Dir	21-05-2009	21-5-2009	BS-17	By initial	Instructor (Commerce)
95.	Miss. Naseem Akhtar M. Com-I	28-02-1985 Bannu	01-11-2007	19-5-2009	BS-17	By initial	Instructor (Commerce)
96.	Miss. Fozia Shaheen M. Com-I	24-09-1983 Abbottabad	20-05-2009	20-5-2009	BS-17	By initial	Instructor (Commerce)
97.	Mr. Fareeq Ahmad. i) M.A. (Islamiat-II/D.Com.	18-3-1962 Swabi.	03-8-1985	1-10-2009	BS-17	By Promotion	Instructor (ETS).

Certified that the seniority list was circulated amongst the officers and is final / un-disputed.

[Signature]
 DIRECTOR GENERAL
 TECHNICAL EDUCATION
 & MANPOWER TRAINING

[Signature]
 DEPUTY DIRECTOR
 Directorate General of Commerce
 Education & Management Sciences
 Peshawar

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 SECTION OFFICER-III,
 INDUSTRIES DEPARTMENT.

REF. NO. (9)

HIGHER EDUCATION DEPARTMENT
(Meeting of PSB held on 09.12.2016)

Annex-(C)

SUBJECT: PROMOTION OF INSTRUCTOR/LECTURER BS-17 TO THE POST OF ASSISTANT PROFESSOR (COMMERCE) BS-18

Secretary Higher Education apprised the Board that due to promotion/creation/appointment in upper scale of officers and deaths, thirty three (33) posts of Assistant Professor (Commerce) BS-18 falling to the share of promotion quota are lying vacant. He further apprised the Board that the Board in its meeting held on 28.02.2011 recommended eight (08) Lecturers BS-17 for promotion as Assistant Professor BS-18 according to the amended Service Rules notified on 03.12.2010 wherein promotion quota was decreased from eighty percent (80%) to sixty percent (60%). Certain officers filed an appeal in Service Tribunal for consideration of their promotion under old Service rules notified on 01.09.1994 wherein 80% quota goes to promotion and the same was accepted by the Tribunal. The Provincial Govt filed C.P.A. in Supreme Court of Pakistan against the Judgment of Service Tribunal. The court dismissed the civil appeal of the Govt. Resultantly the department forwarded the working paper proposing therein promotion w.e.f. 28.02.2011, the date on which the previous meeting of PSB was held. The Board considered the working paper and observed that according to promotion policy 2009, promotion is always notified with immediate effect and their promotion with retrospective effect will open a Pandora's Box which will create problem for Govt in future. Hence the Board recommended the promotion with immediate effect.

2. According to old service rules the post is required to be filled as under:-

- i. Eighty percent by promotion, on the basis of seniority cum fitness from amongst the Instructors/Lecturers, Government Commerce Training institutes, Government College of Commerce with five year service in BS-17, provided that if no candidate having the requisite qualification and experience is available for promotion then by initial recruitment to be adjusted in future vacancies.
- ii. Twenty percent by initial recruitment.

(Signature)
Secretary (PSB)
Govt of Khyber Pakhtunkhwa
Higher Education Department

(Signature)
DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

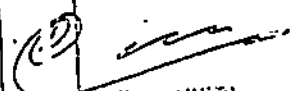
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The service record of the officers included in the panel was discussed as follows:-

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Farman Ali Khan	Not considered as he resigned from service on 13.03.2014
2.	Mr. Muhammad Zeb	Not considered as he resigned from service on 31.12.2010
3.	Mr. Muhammad Younas	Not considered as he has already been promoted to the post of Assistant Professor BS-18
4.	Mr. Asfandyar Yousaf	Not considered as he has already been promoted to the post of Assistant Professor BS-18
5.	Mr. Zahid Nawaz	Not considered as he joined Police Services;
6.	Mr. Fazal Hussain	Not considered as he has already been promoted to the post of Assistant Professor BS-18
7.	Mr. Muhammad Idrees	Not considered as he has already been promoted to the post of Assistant Professor BS-18
8.	S. Zulfiqar Ali Shah	Not considered as he has already been promoted to the post of Assistant Professor BS-18
9.	Mr. Abdur Rashid	Not considered as he has already been promoted to the post of Assistant Professor BS-18
10	Mr. Zahoor Jani	Not considered as he has been removed from service on 22.06.2010
11	Mr. Matiullah Khan	Not considered as he has already been promoted to the post of Assistant Professor BS-18
12	Mr. Muhammad Jamil Khan	Not considered as he has already been promoted to the post of Assistant Professor BS-18
13	Mr. Muhammad Yaseen	His date of birth is 02.01.1978. He joined government service on 01.05.2005 in BS-17. No enquiry is pending against him. His service record upto 2015 is generally good The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
14	Mr. Jehangir Khan	His date of birth is 10.03.1978. He joined government service on 13.05.2005 in BS-17. No enquiry is pending against him. His service record upto 2015 is generally good

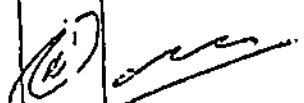

 Mr. Muhammad Yaseen
 Director General of Higher Education
 Government of Punjab
 Lahore

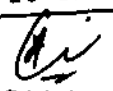

DEPUTY DIRECTOR
 Directorate General of Higher Education
 Education & Management Sciences
 Lahore

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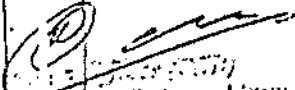
15	Mr. Rinz Ali	The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year. His date of birth is 20.08.1976. He joined government service on 12.05.2005 in BS-17. No enquiry is pending against him. His service record upto 2015 is generally good.
16	Mr. Rast Baz Khan	The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year. His date of birth is 05.11.1959. He joined government service on 20.10.1986. He was promoted to BS-17 on 29.05.2005. No enquiry is pending against him. His service record upto 2015 is generally good.
17	Mr. Rasta Baz Khan	The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year. His date of birth is 20.10.1959. He joined government service on 09.10.1986. He was promoted to BS-17 on 29.05.2005. No enquiry is pending against him. His service record upto 2015 is generally good.
18	Mr. Inayat Ullah Jan	The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year. His date of birth is 01.01.1967. He joined government service on 27.09.1990. He was promoted to BS-17 on 29.05.2005. No enquiry is pending against him. His service record upto 2015 is generally good.
19	Mr. Hussain Ali Shah	The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year. His date of birth is 19.07.1962. He joined government service on 29.11.1986. He was promoted to BS-17 on 29.05.2005. No enquiry is pending against him. His service record upto 2015 is generally good.

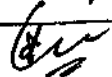

 Director (BS)
 Directorate General of Commerce
 Education & Management Sciences


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 Directorate General of Commerce
 Education & Management Sciences
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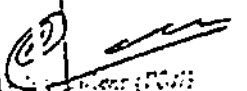
		be on probation for a period of one year
20.	Mr. Jehan Zeb	Not considered as he has already been appointed as Assistant Professor BS-18
21.	Mr. Rifaqat Ullah	Not considered as he resigned from service on 15.10.2011
22.	Mr. Riaz ud Din	His date of birth is 03.03.1974. He joined government service on 01.12.2005 in BS-17. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
23.	Mr. Bacha Khan	His date of birth is 03.12.1979. He joined government service on 15.11.2005 in BS-17. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
24.	Mr. Fazal Ahmad	His date of birth is 10.02.1957. He joined government service on 23.07.1986. He was promoted to BS-17 on 27.01.2006. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation till retirement.
25.	Mr. Abdul Naib Khan	His date of birth is 11.12.1964. He joined government service on 29.10.1986. He was promoted to BS-17 on 27.01.2006. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
26.	Mr. Muhammad Saeed	His date of birth is 03.09.1968. He joined government service on 23.10.1993. He was promoted to BS-17 on 27.01.2006. No enquiry is pending against him. His service record upto 2015 is generally good.


 Director General
 Directorate General of Education
 Peshawar


DEPUTY DIRECTOR
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 Peshawar

7

		record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
35	Mr. Nadeem Anjum Ansari	His date of birth is 15.08.1968. He joined government service on 11.12.1989. He was promoted to BS-17 on 26.05.2006. No enquiry is pending against him. His PERs for the period from 20.08.2013 to 31.12.2013 was not written as he remained under two reporting officers and his posting period with each reporting officer was less than three months. His service record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
35	Mr. Sultana Zeb	His date of birth is 03.02.1962. He joined government service on 17.03.1987. He was promoted to BS-17 on 26.05.2006. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
36	Mr. Khalid Hussain	Not considered as he has retired from service on 31.10.2014
37	Mr. Muhammad Tariq	Not considered as he died on 27.03.2016
38	Mr. Alamgir Khan	His date of birth is 06.01.1968. He joined government service on 08.04.1995. He was promoted to BS-17 on 26.05.2006. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
39	Mr. Gul Faiz Khan	Not considered as he has been appointed as Assistant professor BS-18 on 13.03.2014
40	Mr. Shafi uz Zaman	His date of birth is 01.01.1958. He joined government service on 17.03.1984. He was promoted to BS-17 on 26.05.2006. No enquiry is pending against him. His service

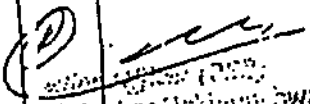

 Director
 Directorate General of Commerce
 Education & Management Sciences
 Peshawar


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 Directorate General of Commerce
 Education & Management Sciences
 Peshawar

6

23

		The Board recommended the officer for promotion to the post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
22.	Mr. Dawood Khan	His date of birth is 07.09.1963. He joined government service on 23.02.1987. He was promoted to BS-17 on 27.01.2006. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to a post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
23.	Mr. Muhammad Ajmal	His date of birth is 22.04.1965. He joined government service on 24.02.1987. He was promoted to BS-17 on 27.01.2006. No enquiry is pending against him. His PER for the year 2015 is not available. The Secretary informed the Board that he will enquire into the reasons of non availability of his PER for the year 2015. The Board recommended to defer his promotion.
29.	Mr. Muhammad Shah Noor	His date of birth is 01.01.1962. He joined government service on 01.03.1987. He was promoted to BS-17 on 11.02.2006. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
30.	Mr. Farman Ullah	Not considered as he has resigned from service on 18.11.2014
31.	Mr. Sahib Aja	Not considered as he has retired from service on 14.05.2011
32.	Mr. Maqbool Jalal	His date of birth is 01.01.1959. He joined government service on 29.05.1983. He was promoted to BS-17 on 26.05.2006. No enquiry is pending against him. His service record upto 2015 is generally good. The Board recommended the officer for promotion to post of Assistant Professor BS-18 on regular basis. He will be on probation for a period of one year
33.	Mr. Sajjad Khan	His date of birth is 13.10.1964. He joined government service on 03.11.1986. He was promoted to BS-17 on 26.05.2006. No enquiry is pending against him. His service record upto 2015 is generally good.


 Deputy Director
 Directorate General of Commerce
 Education & Management Sciences

DEPUTY DIRECTOR
 Directorate General of Commerce
 Education & Management Sciences

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17.05.2007. No enquiry is pending against him. His servi record upto 2015 is generally good.

The Board recommended the officer for promotion to t post of Assistant Professor BS-18 on regular basis. He u be on probation for a period of one year

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Office of Khyber Pakhtunkhwa
Establishment Department

CONFIDENTIAL

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DEPUTY DIRECTOR

Directorate General of Commerce
& Management Sciences
Peshawar

95
Annex-D
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DIRECTORATE GENERAL OF COMMERCE EDUCATION
& MANAGEMENT SCIENCES, KHYBER PAKHTUNKHWA,
RANO GARHI, PESHAWAR.

OFFICE ORDER.

No. DGCE&MS/Admn/Enquiry Gen: 312 (1-4) A committee consisting of the following officers is hereby constituted for the purpose to examine the observations/objections made against the seniority list of all teaching cadre as stood on 31-12-2020. The committee is required to examine all the appeals thoroughly in light of prevailing laws and submit comprehensive report alongwith recommendations to the undersigned within fifteen (15) days positively.

- | | |
|--|----------|
| i. Prof: Shah Fayaz Khan,
Govt. College of Management Sciences, Abbottabad. | Chairman |
| ii. Dr. Muhammad Ayaz,
Govt. College of Commerce-02, Peshawar. | Member |
| iii. Prof: Khalid Khan,
Principal, Govt. College of Commerce-02, Peshawar. | Member |
| iv. Mr. Imtiaz Khan, Lecturer
Govt. College of Management Sciences, Peshawar. | Member |

(PROF: MUHAMMAD NADEEM)
DIRECTOR GENERAL.

Endst. No. DGCE&MS/Admn/Enquiry Gen: 312 (1-4) Dated: 27/02/2021.

Copy for information to:

1. The Principals, Govt. College of Management Sciences, Abbottabad/Peshawar.
2. The Principal, Govt. College of Commerce-02, Ring Road Peshawar.
3. The Inquiry officers.
4. PA to DGCE&MS, Khyber Pakhtunkhwa, Peshawar.

(MUHAMMAD TAIB)
DIRECTOR (ADMN.)
DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

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A. W.

Director General
Commerce Education & Management Sciences,
Khyber Pakhtunkhwa Peshawar.

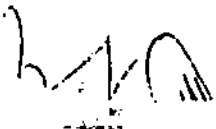
Subject: SENIORITY ISSUE OF TEACHING CADRE AS STOOD ON 31-12-2020

Reference: Your office order bearing Endst. No. DGCE&MS/Admn/Enquiry. Gen; /1312(1-4)

Dated: 23/02/2021 on the subject noted above.

The issues relating to seniority of teaching cadre referred to the committee have been thoroughly examined and disposed of as per detail given in the following paragraphs:

1. The appeals lodged by Muhammad Ilyas Assistant Professor GCMS Karak and Muhammad Zahoor GCMS Mansehra are genuine and accepted. To substantiate their plea, their old seniority position retention is supported by APT Rules 17(2). The extract of the said rule is reproduced below: - "Seniority in various cadres of Civil Servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment." In the light of the provision contained in the above mentioned rule, their old seniority position remains intact, as claimed by the appellants.
2. The appeal submitted by Mr. Jan Ayaz, Saz Wali Khan, Shakeel Khan, Aftab Ahmad, Israr Ahmad, Tajir Khan, Asghar Ali and Shujaat Hussain are examined. Their date of appointment is to be considered from the date of their notification/taking of charge against a promoted post and not the date of DPC which is only recommendation. They were first promoted as instructors (BPS-17) on "Acting Charge" basis vide Notification bearing No. SO III (IND) TE/I-17/07/V-II dated 20-10-2010 and subsequently on regular basis vide notification bearing even No. 1435-211. Hence their contention is not tenable in face of sub rule (2) to Rule 17 of APT Rules 1989, reproduced in KP ESTA CODE 2011, referred to in para one above. The said rule clearly states that seniority of the civil servants promoted to a post in a cadre shall be determined from the date of their regular appointment.


DEPUTY DIRECTOR

27

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3. The appeal submitted by Mr. Faqir-Ullah Khan, Zarrar Zia Uddin, Shakil Ahmad Afridi, Ikram-Ud Din, Nasir, Jamal, Miskeen Shah, Sajjad Ali, Mujeeb Ur Rehman, Naeemullah, Dr Muhammad Asif, relates to demand for grant of anti-dated seniority. The case pertaining to claim for grant of ante-dated seniority in BPS-18 in respect of the above applicants has been examined at length. In this regard it is clarified that the applicants got promoted to the post of Assistant Professor w.e.f 10/08/2018. Some of the applicants were directly recommended as Assistant Professor through Khyber Pakhtoonkhwa Public Service Commission in 2014. They have based their claim on the analogy of 15 Assistant Professors who were granted ante-dated seniority from 2011 & 2012 by the Khyber Pakhtoonkhwa Service Tribunal and Supreme Court of Pakistan. The court verdict was endorsed by PSB as notified by Higher Education Department notification bearing No. SO(CE&MS)HED/1-2/695(1-33) dated 11/05/2020.
4. The appeals of the applicants cannot be entertained by this committee as these fall outside the jurisdiction of the committee to recommend to the department for entertaining their claims for grant of ante-dated seniority. They may approach the competent authority for redressal of their grievances, if there be any.
5. Khurshid Alam Assistant Professor, Hussain Ahmad Assistant Professor were promoted on 22/02/2019, and were placed junior to the recommendees of Khyber Pakhtoonkhwa Public Service Commission of Advertisement No.03/2018 who joined the department on 14/02/2020. In light of the provisions contained in Rules 17(2) of APT Rules 1989, those who got promoted earlier than Khyber Pakhtoonkhwa Public Service Commission recommendees shall stand senior to them. Thus, their appeal is accepted and their seniority be corrected as requested.
6. The appeals submitted by Malik Muhammad Naveed Assistant Professor and Ashfaq Ahmad Assistant Professor are disposed of by determining their seniority in conforming to the order of merit assigned by the Khyber Pakhtoonkhwa Public Service Commission.
7. The appeals submitted by the Shahab - E - Saqib, Mr. Muhammad Dost, Mr. Sajjad Hussain and Mr. Shamsheer Ali, Mr. Azhar Nawaz Assistant Professors are examined at length. They are selectees of the March 2008 batch of Khyber Pakhtoonkhwa Public Service Commission. Keeping in view the detail explanation given in paragraph No. 09 to 13 of the report, there do not appear to be any lacuna in their



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Directorate General of Commerce
Education & Management Sciences
Peshawar

seniority position. As such, their appeals are disposed of by maintaining their current seniority positions as reflected in the tentative seniority list of December 2020.

8. Mr. Fida Muhammad Khan Assistant Professor, Mr. Niamatullah (Assistant Professor), Mr. Noor (I) Hadi (Assistant Professor), Mr. Amir Shehzad (Assistant Professor) Mr. Tahir Khan Assistant Professor, Sumaira Ishaq Assistant Professor and 17 others were recommended as Lecturer BPS - 17 vide adv.no.8/2009. Their appointment orders were issued on November 26th, 2010 vide no. SOIII(IND)TE/3-6/2010 and before, followed by subsequent orders issued vide even no. thereafter. On the eve of their appointment, their seniority was determined on the basis of joining the department. Now their seniority has been changed in light of Rule 17 (1) (a) of APT Rules 1989. In their appeals they have raised objection on changing their seniority after a long period and placing the January 2009 recommendees of KPPSC prior to them in the tentative seniority list of 2020.


9. Mr. Fida Muhammed Khan Assistant Professor has attached with his application Supreme Court's Judgment in civil petition No.331 of 1996, decided on December 12th, 1997 as a reference for interpretation of rules 17(a) of APT rules 1989. Paragraph 4 & 5 of said verdict clearly explains that "a person selected for appointment to post in an earlier selection shall rank senior to person selected in a later selection", which means that nominees of first batch were to rank senior than the petitioner on account of their initial selection. Hence, the earlier selection has been linked with first batch, which in sum, seems to be meaning nominees of first advertisement. In addition to the above, Supreme Court of Pakistan in its judgment dated November 10th, 2020 in CA-762 L to 766 L of 2012 (Annexure - A) has explicitly clarified that "in case a group of persons is selected for initial appointment at one time, the earliest date on which any one out of the group joined the service will be deemed to be the date of appointment for all the persons in the group. The honorable Supreme Court defines the word "batch" people dealt with as a group or the same time. Placing reliance on the ruling given in the Supreme Court of Pakistan verdict of November 10th, 2020, referred to above, the dispute of seniority between appellants / nominees of Khyber Pakhtunkhwa Public Service Commission as lecturer in three successive batches of January 2009, March 2009 and August 2009 can be settled in the following manner.

10. Miss. Norul Ain selectee of January 2009 batch joined the service on February 2010 out of the total 29 nominees / selectees of the same batch. Thereby paving the way for the remaining 28 nominees / selectees of the January / 2009 batch to be deemed to have been appointed on the same date i.e. Feb.


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Directorate General of Commerce
Education & Management Sciences
Peshawar

22nd, 2010 her date of joining comes earlier than all the selectees of the remaining two batches, i.e. 3/2009 & 8/2009. Judged into the paradigm set by the Honorable Supreme Court of Pakistan in its ruling given in the November 10th, 2020 verdict, all selectees of Jan 2009 batch shall rank senior, in terms of seniority over selectees of two other batches of March 2009 and August 2009. In the seniority list, the selectees of March 2009 batch to be placed next to January 2009 batch, to be followed by selectees of August 2009 batch. However, inter-se seniority among the selectees of all three batches to be determined in accordance with the order of merit assigned by commission for each batch separately. To put the seniority dispute between teaching cadre of the commerce wing of Higher Education Department, reference may also be made the decision of Khyber Pakhtoonkhwa service tribunal in appeal no. 1289/2020 dated January 7th, 2021 (Annexure - B). It has vividly been clarified in the verdict of Khyber Pakhtoonkhwa Service Tribunal dated January 7th, 2021 that "by virtue of having applied in pursuance to an earlier advertisement 05/2014 the appellant and other were senior to candidates recommended against advertisement No. 01/2015. There is no denial of the fact that the recommendation of the appellant was outcome of an earlier advertisement. In the circumstances and in view of judgment reported as 1991-SCMR-1632, it is not unsafe to hold that inter-se seniority of candidates at one selection was to be determined on the basis of merit assigned to the candidates by the Public Service Commission. It is also worth noting that in judgment reported as 1995 - PLC (C.S) 950 it was clear by held that cases of civil servants who applied in response to subsequent advertisement were finalized earlier, whereas cases of co-civil servants who applied in response to earlier advertisement were finalized later for no fault on their part, the inter-se seniority of civil servants was to be reckoned not from the date of joining but would be determined through earlier open advertisement. We are, therefore, firm in our view that the impugned seniority list is susceptible to correction and alteration." "Ex-consequencia, the appeal in hand is allowed as prayed for in its memorandum."

11. Secretary Local Govt. Khyber Pakhtoonkhwa approached the Khyber Pakhtoonkhwa Law Parliamentary Affairs and Human Right Department for seeking opinion on the judgment of Khyber Pakhtoonkhwa Service Tribunal in Appeal No.1269/2020 referred to above. The Law Department in its decision dated March 3rd, 2021 (Agenda Item No 18) (Annexure - C) explicitly supported the judgment passed by Khyber Pakhtoonkhwa Service Tribunal and stated that the judgment is in line with rules. It is further clarified that in pursuance of an earlier advertisement, the appellant and others are senior to the candidates recommended against later advertisement, as the process of selection starts


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 Education & Management Sciences
 Peshawar

from the date of advertisement and the appellant had applied through earlier advertisement than the private respondent's No. 6 and 7, therefore, is senior the private respondents No. 6 & 7. The term "earlier selection" means earlier recommendation, which, in turn means that the advertisement in which the appellant was recommended had been advertised earlier than the advertisement in which private respondents no 6 & 7 were recommended. To substantiate the arguments in more explicit terms, the Law Department placing reliance on Federal Government Civil Servants Seniority Rules 1993, sub-rules 2(1), which states that, "persons initially appointed on the recommendation of the selection authority through an earlier open advertisement shall rank senior to those appointed through subsequent open advertisement." In view of the above, request for CPLA in the Supreme Court was turned down in subject case.

12. Similarly, 29 lecturers (BPS-17) were recommended by KPPSC vide "Adv.No.1/2009" and their appointment dates by joining the department are as under:

- a. 01 female lecturer February 2nd 2010.
- b. 01 male lecturer May 31st, 2010.
- c. 01 male lecturer October 26th, 2010.
- d. 22 male lecturers January 8th, 2011.
- e. 01 male lecturer February 26th, 2011.
- f. 01 male lecturer March 8th, 2011.
- g. 01 male lecturer March 18th, 2011.
- h. 01 male lecturer August 8th, 2011.

13. Mr. Ibadullah, Mr. Noor Rehman, Syed Rahim Shah, Mr. Anwar Khan, Mr. Farman Ullah Jan, Mr. Rahatullah, Mr. Riaz Ahmad and others submitted their appeals wherein they have claimed that the selectees of Khyber Pakhtoonkhwa Public Service Commission of January 2009 batch to which they belong, have been placed junior to the March 2009 batch which is an anomaly and needs to be rectified. The matter in question has been elaborated in the above paragraphs in light of Khyber Pakhtoonkhwa Service Tribunal / Supreme Court decisions and the ruling given by the Khyber Pakhtoonkhwa Law Department with regards to clarification given on the term "Earlier Selection" contained in para 17(1)(a) of APT rules 1989. It is abundantly clear that earlier selection means earlier open advertisement by an appointing authority. Their appeals are genuine and based on legal grounds, which needs to be considered favourably and their respective seniority positions be fixed before the batches of


DEPUTY DIRECTOR
 Directorate General of Commerce
 Education & Management Sciences
 Peshawar

1/2009 and 8/2009. All similar nature anomalies in the seniority list of different cadres must be disposed of accordingly to settle the dispute once for all. Making any kind of departure from the ruling given in the courts decisions / law department opinion would create further complications for the aggrieved faculty members and the department.

14. Khalid Nawaz Assistant Professor and 04 others were also selected as lecturers vide Adv. No. 3/2009.

They joined the department in April & May 2010. They also claim their seniority in BPS-17 and subsequently in BPS - 18, after their promotion, to be fixed on the basis of joining the post in BPS - 17. Their appeals have been thoroughly examined in light of the prevailing rules on the subject of seniority of govt. employees. Due consideration is also given to the Supreme Court decisions attached with the appeals. In this regard reference is made to rules 17(1)(a) of APT rules 1989, reproduced in Khyber Pakhtoonkhwa ESTACODE 2011, where in the procedure for determining inter-se seniority of civil servants appointed through initial appointment is explicitly laid down "Rule 17 (1) (a)".

15. Mr. Yasir Imran and Mr. Gohar Rehman Assistant Professors at serial number 37 and 38 respectively shown in the seniority list were selected as Assistant Professors in English subject wide Advertisement No.02/2011 and their notification of appointment was issued on 13th March 2014. They joined the department on 19-03-2014 and 13-03-2014 respectively. Those candidates who were selected in Advertisement No 01/2012 and 02/2012 were wrongly placed senior to them. Their inter-se seniority is to be determined in light of the Rule 17(1)(a) APT Rules 1989 and the clarifications given in the above paragraphs.

16. Keeping in view the above clarifications no room is left for any doubt the issue of the seniority be settled according to chronological order of advertisement of Khyber Pakhtoonkhwa Public Service Commission, i.e. 1/2009, 3/2009 & 8/2009 and not the date of joining the post. However the order of merit assigned by the Commission shall be made base for determining the inter-se seniority of the nominees / recommendees of Khyber Pakhtoonkhwa Service Commission for each advertisement.

17. Mr. Kiramal Ullah Wazir (Assistant Professor) was selected in Advertisement 1/2012 and has been placed at serial No. 32 of the seniority list within the nominees of his own batch. Apparently there seems to be no anomaly in his seniority. However, if any discrepancy exists in his inter-se seniority it must be settled in conformity to the merit assigned by the Khyber Pakhtoonkhwa Public Service Commission of January 2012 batch.

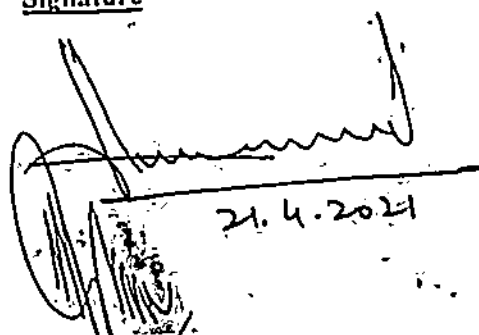
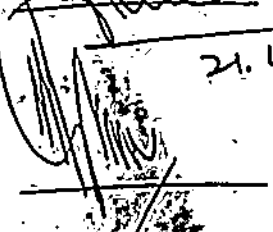
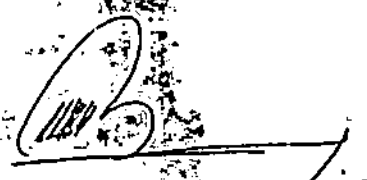
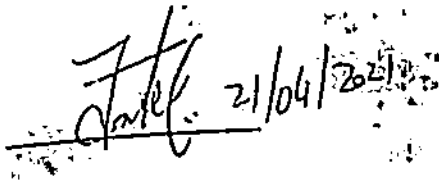

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Directorate General of Commerce
Education & Management Sciences
Peshawar


18. The appeal of Aisha Atif be disposed of according to the order of merit assigned by Khyber Pakhtoonkhwa Public Service Commission with regard to inter-se seniority.

19. The appeal of Mr. Tufail Khan (Assistant Professor) is examined in light of seniority list as well as consolidated merit of Khyber Pakhtoonkhwa of 8/2009 batch. The plea taken by Mr. Tufail is seems genuine. His seniority position be altered as per inter-se and merit assigned by Khyber Pakhtoonkhwa Public Service Commission.

20. The appeal submitted by Muhammad Khalid Assistant Professor GCMS Balakot is not sustainable as their seniority is already determined according to inter-se seniority / merit of Khyber Pakhtoonkhwa in advertisement No. 1/2008.

In view of the above facts and findings it is requested that the seniority list of the Assistant Professors may be corrected accordingly. Moreover, minor corrections relating to change of name, qualification etc may be done by the Directorate at its own level, according to the request of appellants

<u>S.No</u>	<u>Name</u>	<u>Signature</u>
1	Prof: Shah Fayaz Khan (Chairman) GCMS, Abbottabad	 21.4.2021
2	Prof. Dr. Muhammad Ayaz (Member) GCMS-II Ring Road	
3	Prof: Khalid Khan (Member) Principal, GCMS-II Ring Road	
4	Mr. Imtiaz Ali, Lecturer (Member) GCMS, Peshawar City	 21/04/2021




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Directorate General of Commerce
Education & Management Sciences
Peshawar

FORM OF ORDER SHEET


Court of _____

12(2) CPC Application No. 635/2023



S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/09/2023	<p>The application U/S 12(2) CPC in appeal no. 5005/2021 submitted by Mr. Muhammad Nuzir Shah and others through Ali Gohar Durranj Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>19-9-2023</u>. Original file be requisitioned.</p> <p>By the order of Chairman  REGISTRAR</p> <p>Certified to be true copy  Registrar Service Tribunal Peshawar</p>

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DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

Annex-F

34



19th Sept, 2023

1. Learned counsel for the petitioner present Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

2. The point urged before us by the learned counsel for the petitioner is quite simple as hardly to put the other side on notice. The learned counsel referred to page 108 of the petition which is a seniority list of the Associate Professors (Male) (D/S-19), Government Colleges of Management Sciences/Government Colleges of Commerce as stood on 31.12.2022 and corrected up to 03.05.2023. The learned counsel referred particularly to column No.9 (remarks column) wherein reference has been made to the judgment of this Tribunal dated 05.01.2023 in the following manner:-

"placed in light of judgment of Khyber Pakhtunkhwa Service Tribunal dated 05.01.2023"

3. The learned counsel has annexed copy of the order of Tribunal dated 05.01.2023, which, on perusal shows that it is not a judgment rather an order disposing of appeal No. 4998/2021 titled "Sajad Ali-vs- Government of Khyber Pakhtunkhwa and others" rendering the same to be fruitless in view of letter No. SO(XE&MSYHED)/1/616/394(1-3) dated 20.07.2022. The learned counsel, when confronted with the situation that vide order dated 05.01.2023, the appeal was disposed of rendered that to be fruitless in view of the above letter and neither any judgment was passed by the Tribunal nor direction given by the Tribunal as is reflected in the remarks column (9) of the seniority list at page-108 of the petition. The learned counsel says that he is satisfied on the above observation and would not press this petition. Disposed of accordingly. Consign.

Certified to be true copy

CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 19th day of September 2023.

(Muhammad Akbar Khan)

(Khalid Arshad Khan)

DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

Dated 02/08/2023

To

PS/Secy E&AD KP

Diary No.

FIS No.

Date

The Secretary Establishment,
Government of Khyber Pakhtunkhwa Peshawar.

Subject: APPEAL FOR CORRECTION IN SENIORITY

Respected Sir,

In reference to the letter, no. SO (CE&MS) HED/1-16/394(1-3) dated 20/07/2022 (Copy Enclosed-A) on the subject stated that the beneficiary of the above directive concealed important facts in the case mentioned above.

2. Mr. Sajjad Ali & Muhammad Asif approached the service Tribunal Appeal No. 4998 to 5005 of July 2021 (Enclosed-B), (Honorable Secretary HED is also party in it) but in the meanwhile they submitted application to Secretary HED incorporating their objections. The HED issued advice that they may be given seniority from the date of their appointment and it was ignored that the application is time barred and subjudice before the learned service Tribunal, E&D rule 19(2) (Enclosed-C) restricts the authority from any further action in the matter concerned.


3. Mr. Sajjad Ali & Muhammad Asif were promoted to Assistant Professor (BPS-18) through notification No. SO(CE&MS) HED/1-2/213(1-209) dated 10/03/2018 (Enclosed-D) and similar to Associate Professor (BPS-19) through notification No. SO (CE&MS)/2021/285(1-7) dated 27/04/2022 (Enclosed-E). On the other hand, the defenders joined as assistant professors (BPS-18) through the Khyber Pakhtunkhwa Public Service Commission on initial quota through notification No. SOIII(IND)4-3/2014 dated 13/04/2014 (Enclosed-F) and to the post of Associate professor (BPS-19) through notification No. SO(CE&MS)/2021/181(1-2), dated 19/01/2022 (Enclosed-G). Therefore, the directives mentioned above contradict 17 (a) of the APT rules 1989 & ESTA CODE Revised 2011 (Enclosed-H).

4. Mr. Sajjad Ali & Muhammad Asif want seniority on the basis of their joining date i.e. 15/05/2007 as lecturer (BS-17) while concealing the fact that their Notification No. SO(CE&MS) HED/1-2/213(1-209) dated 10/03/2018 of Assistant professor (BS-18) is four 04 years later than our Notification No. SOIII(IND)4-3/2014 dated 13/04/2014 of Assistant professor (BS-18). So there is a huge difference of 04 years. Similarly, our Notification of Associate professor (BS-19) dated 19/01/2022 is 03 months & 08 days earlier than their notification of Associate professor (BS-19) 27/04/2022.

5. The Secretary HED asked the Directorate General (CE&MS) for views/comments, letter no. DGCE&MS/admin/Seniority observation file/4709(1-4) dated 30/11/2022 (Enclosed-I) also requested that the appeal may please be filed being time barred and violation of KP Appeal rules-1986 (Enclosed-J).

6. Khyber Pakhtunkhwa Government Rules of Business 1985 (Enclosed-K), section 9 (4), reproduced "No Department shall without the concurrence of the Establishment and Administration Department authorize any orders, other than orders in pursuance of any general or special delegation made by the Establishment and Administration Department".

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DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

7. The seniority lists were periodically notified every year till 2020. They raised no objection on the seniority lists as they were enjoying promotion as Assistant professor (BS-18) on 10/08/2018. Therefore, their appeal after lapse of 13 years is time barred, devoid of merit and violation of KP Civil Servant Appeal Rule 1986.

Based on the above ground (s), it is requested that the directives mentioned above may please be withdrawn as it would disturb the seniority, lead to wrong precedent, lead to further judicial cases and would disturb the calmness of the directorate and the subordinate colleges.

Thinking for anticipation ..

Regards

All Affecting Associate Professors
GCMS Colleges

M. Naz
M. Yas
GEIC
Imran

[Handwritten signature]

Mr. Manawar Khan, Shakil Ahmad, Farukh Sultan, Wiliayat Khan, Gul Paiz Khan, Yasir Muhammad Imran, Shahi yar Khan, Mohd Nazir Shah, Zarrar Zia ud Din, Mohd Yasir, Gohar Rehman, Naik Muhammad, Mrs Rakhshanda younis , Momin Khan, Shoukat Hayat Khan, Bahadar Khan, Ikram ud din, Hussain Ullah, Humayun Akhtar.

[Handwritten signature]

[Handwritten signature]

- CC: Chief secretary Khyber Pakhtunkhwa
- CC: Secretary Establishment Khyber Pakhtunkhwa
- CC: Director General of Commerce Education and Management sciences

[Signature]
DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

Annex - H

21/08/2023

To

SECY HED 4/6
Received on

The Secretary Higher Education Department,
Government of Khyber Pakhtunkhwa Peshawar.

Subject: OBSERVATION ON SENIORITY LISTS OF BPS-19 (COMMERCE WING) AS STOOD ON 31/12/2022

Respected Sir,

With due reverence, it is stated that in the Final seniority lists of the subject officers issued through Notification No.SO(CE&ME) HED/I-23/6838-39 dated 17/08/2023, as stood on 31/12/2022, is contradictory to the principal service rules of Khyber Pakhtunkhwa on the following ground (s):

- 2. In the said seniority Mr. Sajjad Ali & Muhammad Asif were placed at serial no 79 and 80 respectively, while their actual place should be at serial no 103 and 104 respectively as they are promoted to BPS-18 dated 10/08/2018 (notification enclosed) and to BPS 19 on 27/04/2022 (enclosed).
- 3. The applicant joined the department through the Khyber Pakhtunkhwa Public Service Commission dated 13/04/2014 while promoted to BPS-19 dated 19/01/2022.


It is therefore requested that a corrigendum may please be issued for the correction of the aforesaid seniority, in accordance with prevailing service rules of Khyber Pakhtunkhwa.

Regards

All Affecting Associate Professors
GCMS Colleges

Mr. Manwar Khan, Shakil Ahmad, Farekh Sultan, Wilayat Khan, Waseem Ullah, Gul Faiz Khan, Yasir Muhammad Imran, Shahi yar IQian, Mohd Nazir Shah, Zarrar Zia ud Din, Mohd Yasir, Gohar Rehman, Naik Muhammad, Mrs Rakshanda yousaf, Momin Khan, Shoukat Hayat Khan, Bahadar Khan, Ikram ud din, Hussain Ullah, Humayun Alditar,

CC: Director General of Commerce Education and Management Sciences Khyber Pakhtunkhwa.


DEPUTY DIRECTOR
Directorate of Commerce
Education and Management Sciences



DIRECTORATE GENERAL OF COMMERCE EDUCATION
& MANAGEMENT SCIENCES, KHYBER PAKHTUNKHWA
RANO GARHI, CHAMKANI MOR, PESHAWAR.

Ph: 011-111-2111111 Fax: 011-111-2111111 Email: DGCE&MS@kpk.gov.pk

No. DGCE&MS/Admn/Seniority observation (No. 707/1-4)
Dated: 30/11/2022.

(38)
Annex - I
(2)

To

✓ The Secretary,
Government of Khyber Pakhtunkhwa,
Higher Education, Archives and Libraries Deptt:
Peshawar.

Subject - APPEAL FOR CORRECTION IN SENIORITY

Respected Sir

I am directed to refer to Section Officer (Commerce) HED letter No. SO(CE&MS)/HED/1-16/394(1-3) dated 20-07-2022 and No. SO(CE&MS)/HED/1-23/504 dated 31-10-2022 on the subject noted above and to state that the matter relate to dispute on seniority list between two parties. Mr Sajjad Ali and Muhammad Asil were appointed as lecturers in BPS-17 on 15/05/2007. As per rules, seniority list was notified periodically every year. They did not made any appeal against placement of their position in the said seniority list. After the lapse of 15 years, in 2021, they submitted appeal against their placement in the seniority list which did not exist anymore because they and their colleagues are now in BPS-19

2. I am further directed to state that their appeal after the lapse of 15 years is devoid of merit and time barred because the said seniority list of B-17 does not exist. If their appeal is accepted at this stage, it will lead to a lot of complications and will open up plethora of litigations.

3. In view of the above, it is requested that their appeal may please be filed being time barred and violation of KP Appeal Rules-1986. Moreover, the appeal is sub-judice in the KP Service Tribunal.


(SAMI ULLAH KHAN)
DIRECTOR (ADMN).

Endst:-No. DGCE&MS/Admn/Seniority/

Dated: ___/___/2022.

Copy forwarded to:-

1. SO (Commerce) HED, Peshawar.
2. PA to Director General, Khyber Pakhtunkhwa.
3. Seniority observations file.

DIRECTOR (ADMN)


CPUI DIRECTOR

Director General of Commerce
& Management Sciences
Peshawar

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Annex-J



**DIRECTORATE GENERAL OF COMMERCE EDUCATION & MANAGEMENT SCIENCES, KHYBER PAKHTUNKHWA
RANO GARHI, CHAMKAN MOR, PESHAWAR.**

Ph: 93-9331819, Email: dgce&ms@kcpk.gov.pk

No. DGCE&MS/Adm/Seniority/Issue/2022/1787

Dated: 22/02/2023

To,

The Secretary,
Government of Khyber Pakhtunkhwa,
Higher Education, Archives and Libraries Deptt,
Peshawar.

Subject: APPEAL FOR CORRECTION IN SENIORITY.

Dear Sir,

Pursuant to the decision taken in the meeting held on 13-02-2023 chaired by Special Secretary, HED, wherein it was decided that Higher Education Department will take up the matter with the Establishment Department for advice and this Directorate was accordingly directed to submit a self-contained case in the matter.

2 I am further directed to submit the following background of the case accordingly -

- i Muhammad Asif and Sajjad Ali were appointed as Lecturer (BS-17) on the 15-05-2007 on the recommendation of KPPSC. Their seniority was supposed to be enlisted in the seniority list from the date of their appointment but instead of the same, their seniority was enlisted from their joining date i.e. 18-05-2007.
- ii The seniority was periodically notified every year till 2020. They raised no objection on the seniority lists as they were enjoying promotion as Assistant Professor (BS-18) on 10-08-2018. In 2021, under the direction of Secretary HED vide letter No SO(CE&MS)/1-23/2021/83(1-2) dated 28-09-2021 (Annex-I) a Committee was constituted to look into the grievances/objections on seniority list raised by various officers.
- iii The seniority lists were amended in light of committee report (Annex-II). The seniority lists were sent to HED for approval by Establishment Department. The Establishment Department approved the seniority list and finally it was notified.
- iv The aforesaid officers approached the Service Tribunal, but in the meanwhile, they submitted application to Secretary HED incorporating their objections. The HED issued advice that they may be given seniority from the date of their appointment and it was ignored that the application is now barred and sub-judice.

[Signature]
DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar

- v. When the HED letter was received, this Directorate submitted written reply vide letter dated 30-11-2022 (Annex:-III) wherein it has been requested that their appeal after lapse of 15 years is devoid of merit and time barred and violation of KP Appeal Rules-1986 because the said seniority list of BS-17 does not exist anymore. If their appeal is accepted at this stage it will lead to a lot of complications and will open up Pandora box of litigations.
- vi. Appeal of Muhammad Asif and Mr Sajjad Ali was subject in the KP Service Tribunal. Despite subjudice nature of the case, HED issued directive through letter No SO(CE&MS)/HED/1-16/394(1-3) dated 20/07/2022 to correct the seniority list which was infructuous as the seniority list was approved by Establishment Department.
- vii. Service Tribunal based its decision on the aforementioned letter and decided the case in favour of the appellants Muhammad Asif and Mr Sajjad Ali.

3. I am directed to state that in light of the decision taken in the meeting with Special Secretary HED on 13/02/2023 it is requested that the matter may be taken up with Establishment Department to wriggle out of this enigmatic situation.

Yours faithfully,

(Signature)
 (SAMI ULLAH KHAN)
 DIRECTOR (ADMN)

Encls: (As above)

Endst:No. DGCE&MS/Admn/ Seniority Issues/

Dated. 1 / 2023

Copy forwarded to:

PA to DGCE & MS, Khyber Pakhtunkhwa Peshawar.

DIRECTOR (ADMN)

(Signature)
DEPUTY DIRECTOR
 Director, Council of Commerce
 Education & Management Sciences
 Peshawar

Amr - K
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GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

No. SO(CE&MS)/HED/1-16/2024
Dated Peshawar the 19/01/2024

To


✓ The Director General,
Commerce Education & Management Sciences,
Chamkani More, near Government Polytechnic Institute,
Sardar Ghari, Peshawar.

Subject: - APPEAL FOR CORRECTION IN SENIORITY.

Dear Sir,

I am directed to refer to your letter No. DGCE&MS/Admin/Seniority observation file/4709 (1-4), dated: 30-11-2022 (copy enclosed), on the subject noted above and to state that this department letter No. SO(CE&MS)/HED/1-16/394 (1-3), dated; 20/07/2022 (copy enclosed), is hereby withdrawn.

I am further directed to state that draft seniority list for Associate Professors (BPS-19), may be corrected accordingly and be submitted to this office for approval of the Competent Authority, please.



(Sulainan Ahmad) 19-01-
SECTION OFFICER (CE&MS)

Endst: No. & date even.

Copy for information to the:-

1. PS to Secretary, Higher Education Department.
2. Master file.

SECTION OFFICER (CE&MS)


DEPUTY DIRECTOR
Directorate General of Commerce,
Education & Management Sciences
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION, DEPARTMENT

NOTIFICATION

No.SOIII(IND)3-4/2014 On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, and in pursuance of the provisions contained in sub-section(2) of section-19 of the Khyber Pakhtunkhwa, Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), as amended by the Khyber Pakhtunkhwa, Civil Servants (Amendment) Act, 2005 (Khyber Pakhtunkhwa Act No. IX of 2005), the competent Authority is pleased to order the appointment of the following candidates as Assistant Professors in English (BPS-18) in the Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa subject to the terms and conditions mentioned hereunder:-

S.No.	Name and Father name	Domicile
1.	Gohar Rehman S/o Abdur Rehman	Mohmand Agency
2.	Yasir Muhammad Imran Khan S/o Abdur Rahim	Lakki Marwat

TERMS AND CONDITIONS

- i. They will, have all rights/privileges contained in Khyber Pakhtunkhwa Civil Servants Acts, 1973 with all amendments made therein including Khyber Pakhtunkhwa, Civil Servants (Amendment) Act 2013, and Rules made thereunder.
- ii. They will, initially, be on probation for a period of one year.
- iii. Their services will be liable to termination at any time without assigning any reasons, before the expiry of the period of probation/extended period of probation, if their work during this period is not found satisfactory. In such an event, they will be given a month's notice of termination from service or one month's pay in lieu thereof. In case they wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
- iv. In case of disciplinary matters, Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline Rules), 2011 shall be applicable.
- v. They will not be entitled to any TA/DA on their first appointment as Assistant Professor (English) (BPS-18) in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa.

2. On their appointment, the Competent Authority has been further pleased to order the following postings in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa with immediate effect:-

S.No	Name of incumbent	Posted as
1.	Gohar Rehman	Assistant Professor (English) BPS-18 at Govt; College of Management Sciences, Mardan No.1 against the vacant post
2.	Yasir Muhammad Imran Khan	Assistant Professor (English) BPS-18 at Govt; College of Management Sciences, Bannu against the vacant post.

3. If the above terms and conditions are acceptable to them, they should report for duty to the Principal of the Institute noted above within seven days of the receipt of this order.

7.72
 Dated: 18/3/14
 Section: _____

-Sd-
 Secretary to Govt. of Khyber Pakhtunkhwa,
 Industries, Commerce & Technical Education
 Department.

Encl: No. SOHH(IND)4-3/2014 4290-97 Dated Pesh, the 13th March, 2014

Copy is forwarded to:-

1. The Director General, TE&MT Khyber Pakhtunkhwa, Peshawar alongwith all relevant documents (in original) of the Officers for record.
2. The District Accounts Officers, Mardan and Bannu.
3. The Director Recruitment, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
4. The Principals, Govt; College of Management Sciences, Mardan No.1 and Bannu.
5. The Controller, Printing & Stationery Department, Peshawar
6. Mr. Gohar Rehman S/o Abdur Rehman.
7. Mr. Yasir Muhammad Imran Khan S/o Abdur Rahim.
8. File/office copy.

(FARIQ ALI KHAN)
 SECTION OFFICER-III

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GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION, DEPARTMENT

44


NOTIFICATION

No.SOIII(IND)4-3/2014 On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, and in pursuance of the provisions contained in sub-section(2) of section-19 of the Khyber Pakhtunkhwa, Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), as amended by the Khyber Pakhtunkhwa, Civil Servants (Amendment) Act, 2005 (Khyber Pakhtunkhwa Act No. IX of 2005), the competent Authority is pleased to order the appointment of the following candidates as Assistant Professors in Commerce (BPS-18) in the Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa subject to the terms and conditions mentioned hereunder:-

S.No.	Name and Father name	Domicile/ Zone
1.	Muhammad Nazir Shah S/o Muhammad Zahir Shah	Bannu/4
2.	Muhammad Tahir S/o Rosha Khan	Manshra/5
3.	Jehanzeb S/o Gul Zaman	Peshawar/2
4. ✓	Munawar Khan S/o Dilwar Khan	Nowshera/5
5.	Farukh Sultan S/o Awal Khan	Peshawar/2
6. ✓	Zarrar Zia Ud Din S/o Qazi Zia Ud Din	Kohat/4
7. ✓	Muhammad Arif S/o Usman Khan	Swabi/2
8.	Shoukat Hayat Khan S/o Muhammad Afzal	Chitral/3
9. ✓	Waseem Ullah Khan S/o Hajat Khan	Karak/4
10. ✓	Wilayat Shah S/o Fazli Raziq	Charsadda/2
11.	Muhammad Yasir S/o Muhammad Afsar	Manshra/5
12.	Bahadar Khan S/o Umar Hamad	Dir/3
13.	Hussain Ullah S/o Hakim Ullah	Chitral/3
14.	Gul Faiz Khan S/o Lizat Nazar	Chitral/3

TERMS AND CONDITIONS

- i. They will, have all rights/privileges contained in Khyber Pakhtunkhwa Civil Servants Acts, 1973 with all amendments made therein including Khyber Pakhtunkhwa, Civil Servants (Amendment) Act 2013, and Rules made thereunder.
- ii. They will, initially, be on probation for a period of one year.


DIRECTOR
Technical Education & Manpower Training
Khyber Pakhtunkhwa

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- (95)
- iii. Their services will be liable to termination at any time without assigning any reasons, before the expiry of the period of probation/extended period of probation, if their work during this period is not found satisfactory. In such an event, they will be given a month's notice of termination from service or one month's pay in lieu thereof. In case they wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
 - iv. In case of disciplinary matters, Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline Rules), 2011 shall be applicable.
 - v. They will not be entitled to any TA/DA on their first appointment as Assistant Professor (Commerce) (BPS-18) in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa.

2. On their appointment, the Competent Authority has been further pleased to order the following postings in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa with immediate effect:-

S.No	Name of incumbent	Posted as
1.	Muhammad Nazir Shah	Assistant Professor (Commerce) at Govt. College of Management Sciences, Kohat
2.	Muhammad Tahir	Assistant Professor (Commerce) at Govt. College of Management Sciences, Abbottabad
3.	Jehanzeb	Assistant Professor (Commerce) at Govt. College of Management Sciences, Peshawar
4.	Munawar Khan	Assistant Professor (Commerce) at Govt. College of Commerce No.02, Hayatabad, Peshawar
5.	Farukh Sultan	Assistant Professor (Commerce) at Govt. College of Commerce, No.2, Hayatabad, Peshawar
6.	Zarrar Zia Ud Din	Assistant Professor (Commerce) at Govt. College of Management Sciences, Kohat
7.	Muhammad Arif	Assistant Professor (Commerce) at Govt. College of Management Sciences, Swabi
8.	Shoukat Hayat Khan	Assistant Professor (Commerce) at Govt. College of Management Sciences, Peshawar
9.	Waseem Ullah Khan	Assistant Professor (Commerce) at Govt. College of Management Sciences, D.I.Khan
10.	Wilayat Shah	Assistant Professor (Commerce) at Govt. College of Management Sciences, Charsadda
11.	Muhammad Yasir	Assistant Professor (Commerce) at Govt. College of Management Sciences, Mansehra
12.	Bahadar Khan	Assistant Professor (Commerce) at Govt. College of Management Sciences, Thana
13.	Hussain Ullah	Assistant Professor (Commerce) at Govt. College of Management Sciences, Chitral
14.	Gul Faiz Khan	Assistant Professor (Commerce) at Govt. College of Management Sciences, Chitral

3. If the above terms and conditions are acceptable to them, they should report for duty to the Principal of the Institute noted above within seven days of the receipt of this order.

-Sd-
Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department.


DEPUTY DIRECTOR
Directorate General of Commerce
& Management Sciences
Peshawar

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Endst:No.SOIII(IND)4-3/2014


4200-27

Dated Pesh, the 13th March. 2014

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Director General, TE&MT Khyber Pakhtunkhwa, Peshawar alongwith all relevant documents (in original) of the Officers for record.
3. The District Accounts Officers, Kohat, Abbottabad, Nowshera, Swabi, D.I.Khan, Charsadda, Mansehra, Thana and Chitral
4. The Director Recruitment, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
5. The Principals, Govt; College of Management Sciences, Kohat, Abbottabad, Peshawar, Swabi, D.I.Khan, Charsadda, Thana, Chitral
6. The Principals, Govt; College of Commerce No.02 Nowshera and Hayatabad Peshawar.
7. The Controller, Printing & Stationery Department, Peshawar
8. The Officers concerned (on their postal address).
9. File/office copy.

(TARIQ AMAN) SECTION OFFICER-III


DEPUTY DIRECTOR
Directorate General of Commerce
Education & Management Sciences
Peshawar.

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Amir M



**DIRECTORATE GENERAL OF
COMMERCE EDUCATION AND MANAGEMENT SCIENCES,
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

Mr. Aimal Khan, Assistant Director, (Litigation Section) Directorate General of Commerce Education & Management Sciences, Peshawar, is hereby authorized to vet & submit Para-wise Comments in the Service Tribunal, Khyber Pakhtunkhwa, Peshawar Service Appeal No. 732/2024 titled Sajjad Ali VS Govt. on behalf of official respondents.


DIRECTOR GENERAL

Amir Ali Khan

Respondent No: 02