

41

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.960/2024

Muhammad Hamza Khan _____ Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary Information and others _____
Respondents

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DEPONENT

ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

1

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Re: APPEAL No. 960/2024

Khyber Pakhtunkhwa
Service Tribunal

Muhammad Hamza Khan Naib Qasid (BPS-03)

Diary No. 16878

..... APPELLANT

Dated 17-10-24

...VERSUS...

1. The Secretary Information & Public Relations Civil Secretariat, Peshawar.
2. The Director General Information & Public Relations Department,

.....RESPONDENTS

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO. 1 to 2

PRELIMINARY OBJECTIONS

1. That the appellant has no cause of action/locus standi to file the instant appeal in the Tribunal.
2. That no legal right of the appellant has been infringed, therefore, the appeal is neither competent nor maintainable.
3. That the appellant has not come to the Tribunal with clean hands.

RESPECTFULLY SHEWETH:

REPLY ON FACTS

1. No comment. The point relates to the appellant's personal life and academic qualifications.
2. Para II of the facts is not correct. A careful review of the record (**Annex-I**) obtained from the office of the Public Relations Officer (PRO)/ Press Secretary to Governor Khyber Pakhtunkhwa reveals that the appellant's appointment order to the post of Naib Qasid (BPS-03) is in violation of the policy governing recruitment to the post of BPS-15 and below (**Annex-II**). The appointment order, based on the recommendations of the Departmental Selection Committee (DSC) meeting headed by an unauthorized officer, namely the PRO to the Governor, is illegal and invalid. Although the official process, including the note sheet, minutes of the meeting and draft letter for circulation of the working paper, is available with appointment order, the PRO to Governor is not legally



ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

designated to chair the DSC meeting and issue order. Therefore, legal requirements and procedures were not followed during the recruitment process, rendering the appointment order void ab initio.

3. Para III is factually incorrect. The appellant, recruited through an irregular process, has continuously served in the office of Public Relations Officer to the Governor since entry into service on 06-10-2017.
4. Para IV is not correct. The appellant's name is not included in the relevant seniority list due to non-availability of his personal file/ record and his appointment against rules and regulations. Since no record of the appellant exists in the Directorate General & Public Relation's Headquarter Office, therefore, his recruitment/ appointment needs to be probed first. Copy of letter for provision of record in respect of the appellant from the office of the PRO to Governor is attached at **Annex-III**.
5. Para V of the facts is correct to the extent that the appellant submitted successive applications. However, law generally does not permit more than one application on the same cause of action. Rest of the Para is incorrect.
6. Para VI is legal hence needs no comment.

ON GROUNDS:

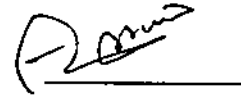
- A. Incorrect. The appellant is not subjected to any form of discrimination. Rather, the delay in claiming seniority after seven years of service on the part of appellant points to a deliberate concealment of the questionable nature of his entry into service.
- B. Incorrect. The appellant has not been treated unfairly but procedural irregularities in his recruitment prevents his inclusion in the seniority list.
- C. The appellant has not been treated unfairly or denied any legal rights. However, his appointment process contravenes the recruitment policy, thereby disputing his claim to seniority.
- D. Incorrect. The appellant's appointment order, based on the recommendations of an invalid DSC, is ultra vires. Consequently, he cannot be granted seniority, as the legality of the committee itself is in question.
- E. The respondents seek permission from this Honorable Tribunal to raise additional grounds at the time of arguments.


ASSISTANT DIRECTOR (LITIGATION)
 Directorate General Information & PRS
 Akshay Path, Patna-800 004

It is respectfully prayed that the instant service appeal, based on misleading statements, may graciously be dismissed.

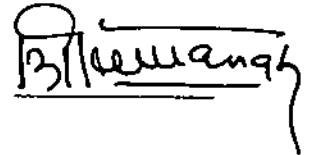
RESPONDENTS

1. Secretary Information & PRs, (Syed Abdul Jabbar Shah)
Government of Khyber Pakhtunkhwa



Secretary
Information & PRs Department
Government of Khyber Pakhtunkhwa

2. Director General Information, (Muhammad Imran)
Khyber Pakhtunkhwa,



Director General Information
Directorate General of Information & PRs
Khyber Pakhtunkhwa Peshawar



ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar



OFFICE OF THE PUBLIC RELATIONS OFFICER TO
GOVERNOR, KHYBER PAKHTUNKHWA,
GOVERNOR'S HOUSE, PESHAWAR

(4)

No.PRO/GH/ 1865
Dated Peshawar, the 23/09/2024

To

The Director General
Directorate General Information & PRs,
Khyber Pakhtunkhwa, Peshawar

Subject: PROVISION OF REQUIRED DOCUMENTS IN RESPECT OF
MUHAMMAD HUMZA KHAN, NAIB QASID (BS-03)

Reference your letter No.INF/Estt:/1/59/2179-81 dated 19-09-2024
on the subject cited above.

Enclosed please find herewith the following documents as
requested, please.

1. Appointment Order.
2. Official process on the note sheet regarding his appointment.
3. Minutes of the Meeting.
4. Draft Letter for Circulation of Working Paper.

Encl: (As Above).

(SYED AAMIR HUSSAIN)
Press Secretary/PRO to
Governor, Khyber Pakhtunkhwa,
Governor's House, Peshawar

Muhammad

23/9/2024

A
ASSISTANT DIRECTOR (ATTENTION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar



OFFICE OF THE PUBLIC RELATIONS OFFICER TO
GOVERNOR KHYBER PAKHTUNKHWA,
GOVERNOR'S HOUSE, PESHAWAR

(5)

No.PRO/GH/ 1027

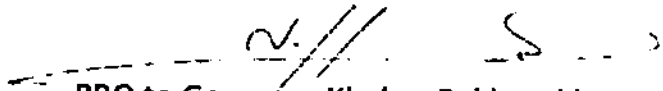
Dated 16/10/2017

OFFICE ORDER

Consequent upon approval/recommendation of the Departmental Selection Committee (DSC) meeting held on 13.10.2017, the Competent Authority is pleased to order the appointment of Muhammad Humza Khan S/O Muhammad S. Shoaib R/O Mohallah Badwan Bala, Tehsil Timergara, District Lower Dir against the vacant post of Naib Qasid (BPS-3) in office of the PRO to Governor, Khyber Pakhtunkhwa with immediate effect.

TERMS AND CONDITIONS ARE AS UNDER:

1. He will be governed by such rules and orders as may be issued from time to time by the Government of Khyber Pakhtunkhwa for the category of the Government servants to which he belongs.
2. If he wishes to resign at any time, he will have to submit fifteen days' notice or fifteen days salary in lieu thereof.
3. He may be posted at any station in Khyber Pakhtunkhwa.
4. His appointment to the service shall be subject to the production of Medical Fitness Certificate from the Standing Medical Board.
5. He will be entitled to all the benefits of civil servants according to rules.
6. He should join his post within 30 days of the issuance of this Office Order.
7. He will remain on probation in terms of Rule 6(2) of the Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 15(1) & (2) of the Khyber Pakhtunkhwa Government Servant (Appointment, Promotion & Transfer) Rules 1989 for a period of one year extendable for another year.

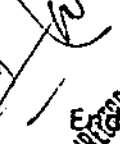

PRO to Governor Khyber Pakhtunkhwa,
Governor's House, Peshawar
Dated Peshawar, the ___/___/2017

Enclst: No. PRO/GH:/Appointment/_____

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PA to Director General Information & PRs, Khyber Pakhtunkhwa, Peshawar
3. The Section Officer (INF), Information & PRs Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Muhammad Humza Khan S/O Muhammad Shoaib R/O Mohallah Badwan Bala, Tehsil Timergara, District Lower Dir.
5. Bill Clerk.
6. Personal File of the Official.
7. Office Order File.


PRO to Governor Khyber Pakhtunkhwa,
Governor's House, Peshawar


ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa, Peshawar

ASSTANT DIRECTOR (OPERATIONS)
Directorate General, Information & PR
Khyber Pakhtunkhwa, Peshawar

[Handwritten signature]

~~P.R.O~~

5

~~28/9/2017~~

present for

28/9/2017
[Handwritten signature]

Submitted for Review, Please. ⁵ action, Please.

Information is placed in the file for further necessary
P.R.O. is either received from the AD(Admin): Dir: of

4

File. Page - 4.

[Handwritten signature]

~~28/9/2017~~

to file in the office. to review
in file. ²⁰

3

~~P.R.O~~

08/9/2017
[Handwritten signature]

Submitted for Review, Please.

Appointment of his son Mr. Muhammad Hanza Khan
for the existing post of M/Asst. ³
Muhammad Shah, M/Asst of this office for
placed in the file is an application of Mr. ¹

File: Page - 1.

6

to

ASST

16/10/2017

Signature

M. M. M.

Submitted for signature please

of Mr. Muhammad Hunge Khan, Mach District (Bdso) vide this office order No. PRO/CH/1027 dt. 16/10/2017 and enclosure No. PRO/CH/1028-34 dt. 16/10/2017

8

11/10/2017

Please process

M. M. M.

Signature

PR/0

7

11/10/2017

Submitted please

and copy to S.O (mb) for D.S.E. meeting on 13/10/2017.


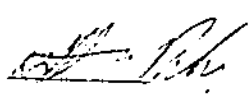
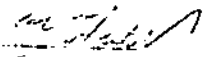
Puc. Page - 13
Puc. is DFA along with working papers address to S.O (mb) and copy to S.O (mb) for D.S.E. meeting on 13/10/2017.

6

(7)

**MINUTES OF THE MEETING OF
DEPARTMENTAL SELECTION COMMITTEE.**

A meeting of the Departmental Selection Committee was held on Friday, October 13, 2017 at 11.00 a.m. under the Chairmanship of Noorul Hadi, PRO/Press Secretary to Governor, Khyber Pakhtunkhwa, at his office in Governor's House, Peshawar. The following attended the meeting as members: -

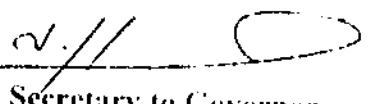
1. Mr. Noorul Hadi, Press Secretary to Governor,
Khyber Pakhtunkhwa, Governor's House, Peshawar. -Chairman 
1. Mr. Khalil-ur-Rehman, Section Officer (Information)
Govt. of Khyber Pakhtunkhwa, Information and Public
Relations Department, Peshawar. Member 
2. Mr. Wasifullah, Superintendent,
Directorate of General and Public Relations,
Peshawar Member 


The meeting was informed that Mr. Muhammad Shoaib, Naib Qasid of this office has been retired from service under superannuation of sixty (60) years on 24/09/2017 (A.N).

Mr. Muhammad Shoaib, Naib Qasid submitted an application for the appointment of his son Muhammad Hamza Khan for the post of Naib Qasid as per policy instruction issued vide letter No.SOR-I(S&GAD) 4-1/80(VOL:III) dated 23/5/2000, a quota of 25% falling to the share of initial recruitment in BPS-1 BPS-4 shall be reserved for appointment for the children of retiring civil servant on superannuation.

The case of appointment of Muhammad Hamza Khan was discussed.

The meeting of the Department Selection Committee has considered and recommended the case of appointment of Muhammad Hamza Khan as Naib Qasid PBS-03 against the quota reserved for appointment for the children of retiring civil servant on superannuation.


PRO/Press Secretary to Governor,
Khyber Pakhtunkhwa,
Governor's House, Peshawar.


ASSISTANT DIRECTOR (LITERATURE)
Directorate General Information & PRS
Khyber Pakhtunkhwa Peshawar



OFFICE OF THE PRESS SECRETARY TO
GOVERNOR, KHYBER PAKHTUNKHWA,
GOVERNOR'S HOUSE, PESHAWAR.

No. PRO/GH/ 1020
Dated 26/10/2017

(10)
8

To

The Section Officer (Information),
Information & Public Relations Department,
Govt. of Khyber Pakhtunkhwa, Peshawar.

✓
9/10/17
3:15

Subject:- DEPARTMENTAL SELECTION COMMITTEE MEETING.

It is to inform that a meeting of the Departmental Selection Committee (DSC) has been convened on October 11, 2017 at 11.00 AM under the chairmanship of PRO to Governor, at his office to consider the appointment of children of the retired civil servant, office of the PRO to Governor, Khyber Pakhtunkhwa, Governor's House, Peshawar against the vacant post.

It is, therefore requested to kindly attend the said meeting on the date, time and venue mentioned above. Working papers along with other relevant documents are enclosed herewith, please.

Encl:- (As Above)

PRO/Press Secretary to Governor,
Khyber Pakhtunkhwa

Endst:/NO.PRO/GH/ 1024 Dated 26/10/2017.

A copy of the above is forwarded to the Assistant Director (Admn.) Directorate of Information, with the request to attend the meeting as a member of the committee.

PRO/Press Secretary to Governor,
Khyber Pakhtunkhwa,
Governor's House, Peshawar.

9/10/17
at 3:05 PM

ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRS
Khyber Pakhtunkhwa Peshawar



OFFICE OF THE PRESS SECRETARY TO
GOVERNOR, KHYBER PAKHTUNKHWA,
GOVERNOR'S HOUSE, PESHAWAR.

No. PRO/GH/ 1022--
Dated 11/1/17/2017

(13)

(9)

To

The Director General,
Information and Public Relations,
Govt: of Khyber Pakhtunkhwa,
Peshawar.

PRO/GH/ 1022--
Dated 11/1/17/2017
12/10/2017

Subject:- DEPARTMENTAL SELECTION COMMITTEE MEETING.

Reference Section Officer (Information) letter No. SO(INF) 4 (116) / 2015 / Vol:1, dated 9/10/2017.

It is to inform that a meeting of the Departmental Selection Committee (DSC) has been convened on **October 13, 2017 at 11.00 AM** under the chairmanship of PRO to Governor, at his office to consider the appointment of a retired civil servant children quota, office of the PRO to Governor, Khyber Pakhtunkhwa, Governor's House, Peshawar against the vacant post.

It is, therefore requested to kindly depute a representative as Member to attend the meeting on the date, time and venue mentioned above. Working papers are enclosed herewith, please.

Encl:- (As Above)

PRO/Press Secretary to Governor,
Khyber Pakhtunkhwa

Endst:/NO.PRO/GH/ 1022 Dated 11/1/17/2017.

A copy of the above is forwarded to the Section Officer (Information) with the request to attend the meeting as a member of the committee w/r to his Number quoted to above, please.

PRO/Press Secretary to Governor,
Khyber Pakhtunkhwa,
Governor's House, Peshawar.

ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

NAC
11/10/17

Recruitment Policy for the Provincial Services.

10

Recommending Authorities


Authority, its Functions & Constitution	
Provincial Selection Board:- For selection of Promotion/transfer to posts in BPS 18 & above	
Chief Secretary, KP	Chairman
Additional Chief Secretary, KP	Member
Senior Member, Board of Revenue, KP	Member
Administrative Secretary concerned	Member
Secretary, E & A Department	Member/ Secretary
Departmental Promotion Committee:-For selection of Promotion or transfer to posts in BPS 16 & 17 not falling within purview of PSB	
Secretary of the Department concerned	Chairman
Additional Secretary, E&AD	Member
Additional Secretary, Finance Department	Member
Head of Attached Department concerned	Member
Deputy Secretary of the Department concerned.	Secretary
Departmental Selection Committee:-For selection for, transfer & initial appointment to posts in BPS-15 & below	
I. Posts in the KP Civil Secretariat	
Secretary, E&AD	Chairman
Deputy Secretary (Opinion) Law Department	Member
Section Officer concerned in E&AD.	Secretary
II. Attached Departments/Offices in KP	
1-Appointing Authority	
	Chairman
*2-An officer to be nominated by the Administrative Department concerned (in case of Revenue Department the member to be nominated by the Commissioner of the Division concerned)	
	Member
3-An Officer to be nominated by Appointing Authority.	
	Member

Submitted vide No. SOR-VII 7A07-22/2001 Dated 12.5.2015

Recruitment through Public Service Commission

- Recruitment to posts in BPS-16 and above as well as the posts of Assistant Sub-Inspectors of Police, Naib Tehsildars, Zilladars and Sub-Engineers

1	All Departments including Board of Revenue	Senior Scale Stenographer(B-15), Data Processing Supervisor(B-14) Junior Scale Stenographer(B-12) Assistant (B-14), Draftsman(B-11)
2	Board of Revenue	Sub-Registrar(B-14), Excise and Taxation Inspector(B-11)
3	Home & Tribal Affairs Department	Police Department; Prosecuting Sub-Inspector (B-14) Inspectorate of Prisons: Assistant Jail Superintendent (B-11) Reclamation and Probation Department: Parole/Probation Officer(B-11)
4	Industries, Commerce, Mineral Development, Labour and Transport Department	Directorate of Industries: Assistant Industrial Development Officer/Assistant Price Stabilization Officer(B-11), Royalty Inspector(B-11), Surveyor(B-11) Directorate of Manpower and Training: Instructor T.T.C.(B-14) Cooperative Societies: Inspector(B-11)


ASSISTANT DIRECTOR (LITIGATION)
 Directorate General Investigation & P.S.
 Khyber Pakhtunkhwa Peshawar



**DIRECTORATE GENERAL INFORMATION & PRs
KHYBER PAKHTUNKHWA, PESHAWAR**

NO. INF/Estt:/1/59/ 2179-81

Dated Peshawar the 19/09/2024

Ph NO. 091-9210136

To

PRO to Governor, Khyber Pakhtunkhwa
Governor's House, Peshawar

Subject: **PROVISION OF REQUIRED DOCUMENTS IN RESPECT OF MUHAMMAD HAMZA KHAN, NAIB QASID (BS-03)**

I am directed to refer to the subject cited above and to state that Muhammad Hamza Khan, Naib Qasid (BS-03), Office of the PRO to Governor, Khyber Pakhtunkhwa, Governor's House, Peshawar, has filed a writ petition in the Khyber Pakhtunkhwa Service Tribunal, Peshawar, vide Appeal No. 960 of 2024, seeking the inclusion of his name in the final seniority list issued by this Directorate General for the year 2023.

In view of the above, this Directorate General requests the provision of the following documents in respect of Muhammad Hamza Khan, Naib Qasid (BS-03) within two days after the receipt of this letter, please.

1. Appointment Order
2. Official process on the note sheet regarding his appointment
3. Minutes of the Meeting
4. Draft Letter for Circulation of Working Paper

ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR GENERAL

No. & Date Even

Copy forwarded for information to the:

1. Deputy Director (Litigation), DGIPR, Khyber Pakhtunkhwa
2. PS to Director General, Information & PRs, and Khyber Pakhtunkhwa

19/9/24
ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR GENERAL

[Signature]
ASSISTANT DIRECTOR (LITIGATION)
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Ref:
Service Appeal No. 960/2024

Muhammad Hamza Khan.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Information and others.....Respondents

AFFIDAVIT

I, Muhammad Imran, Director General (BPS-20) of Directorate General Information & PRs KP, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying Para Wise Comments on behalf of Respondents No. 1 & 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that answering respondents have neither place aspartic nor defense stuck off/ cost.



Muhammad Imran
DEPONENT

Respondent No.2
CNIC# 17301-9648034-1
Cell# 0313-9192880

Director General Information
Directorate General Information & PRs
Khyber Pakhtunkhwa Peshawar

17 OCT 2024



**DIRECTORATE GENERAL INFORMATION & PRs
KHYBER PAKHTUNKHWA, PESHAWAR**

No. INF/Litigation 2704
Dated Peshawar the 16/10 /2024

13

AUTHORITY LETTER

I hereby authorize Mr. Habib Ullah Khan, Deputy Director (Litigation), Directorate General Information & Public Relations, Khyber Pakhtunkhwa to submit Para-wise comments on behalf of Secretary and Director General Information & Public Relations Khyber Pakhtunkhwa in the Service Appeal No. 960/2024 titled "Muhammad Hamza Khan Vs Government of Khyber Pakhtunkhwa and others".

**DIRECTOR GENERAL
INFORMATION & PRs, KHYBER
PAKHTUNKHWA, PESHAWAR**

Director General Information
Directorate General of Information & PRs
Khyber Pakhtunkhwa Peshawar