# FORM OF ORDER SHEET

	Court d	·	
	<u>Ap</u>	eal No. 2038/2024	
S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
ſ	2	3	8 - 
1-	21/10/2024	The appeal of Mr. Muhammad Ayaz resubmitted today by Syed Noman Ali Bukhari Advoca fixed for preliminary hearing before Single Be Peshawar on 24.10.2024. Parcha Peshi given to cou the appellant.	ate. It is
		By order of the Chairman REGISTRAR	
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The appeal of Mr. Muhammad Ayaz Tajik received today i.e on 07.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are unattested.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested
- 4- Affidavit has not been attested by the Oath Commissioner.
- 5- Wakalat nama in favour of appellant is not attached with the appeal.
- 6- Appeal has not been signed by the counsel.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 897 /Inst./2024/KPST,

Dt. <u>11 /10 /2024</u>.

SERVICE TRIBUNAL **KHYBER PAKHTUNKHWA** PESHAWAR:

Syed Noman Ali Bukhari Adv. High Court at Peshawar.

Respected Sir.

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all objections Remare & file re-submitted.

# BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

# APPEAL NO. 2038 /2024

Muhammad Ayaz Tajik

V/S

# Establishment Deptt:

<u>.....</u>

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### APPELLANT

# Muhammad Ayaz Tajik

#### THROUGH:

# (SYED NOMAN ALI BUKHARI)

Advocate, High Court, Peshawar

### CELL NO: 0306-5109438

Date: 07/10/2024

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

# Appeal No. 2038 /2024

Mr. Muhammad Ayaz Tajik S/o Muhammad Nawaz Khan, original (Computer Operator), Now Senior Scale Stenographer (BPS-16), KP, Service Tribunal Peshawar.

#### APPELLANT

#### VERSUS

- 1. The Chief Secretary to Govt: of KP, Civil Secretariat, and Peshawar.
- 2. The Secretary Establishment, Khyber Pakhtunkhwa, civil Secretariat, Peshawar.
- 3. Mr. Syed Saiful Wahab Shah, Computer Operator, KP, Service Tribunal, Peshawar.

#### **RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06/12/2023 WHEREBY THE APPELLANT WAS ADJUSTED AGAINST THE AND AGAINST THE CROSS CADRE POST **REJECTION ORDER DATED 10/09/2024 WHEREBY** DEPARTMENTAL OF THE APPEAL THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

#### PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06/12/2023 MAY PLEASE BE SET-ASIDE TO THE EXTENT OF APPELLANT OR MODIFY THE IMPUGNED ORDER DATED 06/12/2023 TO EXTENT OF APPELLANT THAT THE APPELLANT MAY BE ADJUSTED AGAINST HIS ORIGINAL CADRE POST (COMPUTER OPERATOR) INSTEAD OF SENIOR SCALE STENOGRAPHER. ANY OTHER REMEDY, WHICH HIS AUGUST

### TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

#### **<u>RESPECTFULLY SHEWETH:</u>**

#### FACTS:

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- 1. That the appellant was appointed as Key Punch Operator in the year 2009 vide order dated 30/07/2009 and later on the post of Key Punch Operator was re-designated as computer operator and the appellant having qualification also re-designated as Computer operator and working as Computer Operator in the Directorate of Culture, Khyber Pakhtunkhwa till 2023. So, the appellant worked as computer operator about 15 year. Copy of appointment order and qualification are attached as annexure-A & B.
- 2. That in the wake of Tourism Act, 2019, the Government of Khyber Pakhtunkhwa established Culture & Tourism Authority and declared the staff of Directorate of Culture as surplus, due to which the appellant was declared as surplus on 24/10/2023.
- 3. That the Education Department wrote letter to Secretary Establishment for requisition of services of appellant against the vacant post of computer operator but no response was given by the establishment deptt. Copy of letter is attached as annexure-C.
- 4. That there are some post of Computer Operator lying vacant in Directorate of works & Implementation Deptt: and Public Service Commission, the appellant requested to Public Service Commission for requisition of his services against the post of Computer Operator, the Public Service Commission requested to appellant to approach Establishment deptt for the said purpose, but in meanwhile the Establishment Department has adjusted the surplus employees of the Directorate of Culture, Khyber Pakhtunkhwa in various Government Departments and the appellant has been adjusted without taking willingness against a cross cadre post of Senior Scale Stenographer in Khyber Pakhtunkhwa Service Tribunal, Peshawar vide Establishment Department order dated 06.12.2023, while junior to the appellant was adjusted against his original cadre Post which is against the law and rules and in violation of surplus Pool policy. Copy of

request, letter and impugned adjustment order is attached as annexure-D, E & F.

- 5. That thereafter appellant filed Departmental Appeal for adjustment against the post of computer operator (being original post) enabling the appellant to avoid further hardship i.e financial hardship etc and the same was rejected vide order dated 10/09/2024 for no good grounds. Copy of the Departmental Appeal and rejection order are attached as Annexure-G & H.
- 6. That the appellant has no other remedy therefore filing this instant appeal on the following grounds amongst the others.

#### GROUNDS:

- A) That not adjusting the appellant against his original post of computer operator and junior employee was adjusted against the post are against the law, rules, principle of fair play, norms of justice and material on record
- B) That it was the legal duty of the respondent to adjust the appellant against his original post of Computer Operator which is lying vacant as mentioned above but the respondent remained mum over that for no good reasons due to which the appellant has been suffered a lot.
- C) That it is pertinent to mentioned here that the job description/qualification of Senior Scale Steno and Computer Operator are quite different, to work in Court, Stenographer is required to have the shorthand skills and the appellant was initially appointed as Computer Operator and due to lack of this vary Skill, it is very difficult for appellant to efficiently perform the official work against the cross cadre post i.e. Senior Scale Stenographer as the shorthand skill is much essential for a stenographer specially in Courts.
- D) That vide same impugned order the junior to the appellant was adjusted against the post of Computer Operator in KP Service Tribunal Peshawar and on next day some more employee including Senior Scale Stenographer was adjusted against the post of computer Operator but the appellant was deprived from the same despite Senior in violation of Surplus Pool Policy. Copy of the order is attached as annexure-I.

- E) That the willingness was taken from other employees before the adjustment but the same procedure was not adopted in case of appellant and appellant was adjusted against the cross cadre post without his willingness, which is illegal against the law and rules. Copy of willingness of other is attached as annexure-J.
- F) That due to wrong adjustment of the appellant in violation of law and policy, the appellant deprived from the IT allowance of computer operator, which is huge financial lost to appellant. Which is illegal against the law and rules.
- G) That as per section 11-A of Civil Servant Act, 1973, the Absorption of civil servants rendered surplus., "any agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfills other conditions applicable to that post". But the appellant was adjusted against the cross cadre post and the appellant has no qualification for the said post against which the appellant was adjusted which is clear violation of the mentioned section of Civil Servant Act.
- H) That as per clause 5c(i)(ii) of Surplus Pool Policy "Adjustment shall be made on vacant post pertaining to initial recruitment quota from those in the surplus pool in the following manner:-
  - (i) In case of occurrence of vacancies in their corresponding posts in any Government Department/ Organization, the senior most employee in the surplus pool should be adjusted first.
  - (ii) In case of cross cadre adjustment, the persons with such minimum qualification as prescribed in the relevant Service Rules for the post in question shall be adjusted keeping in view their seniority position.

In case of the appellant the 5c(i) is clearly violated because the appellant has right to adjusted first being senior against his original cadre but the junior was adjusted against the original post and appellant was ignored. Copy of appointments order of junior is attached as annexure-K.

 That authority was under statutory obligation to have considered the case of appellant in its true perspective but also in accordance with law. It may be mentioned here that for the post of Senior Scale Stenographer B-16, the skill of "shorthand" was not only a pre-requisite but also requirement of the relevant Rules whereas,

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for the post of Computer Operator this special skill was not obligatory. It is well settled law that justice is not only confined to judicial system, every person dealing with the right of the people is bound to do justice. Public functionaries are required to act justly, fairly, honestly and also in accordance with law. In case of failure, they will be answerable before law and action will also be taken against them. Reliance can be placed on the judgment of Supreme Court of Pakistan reported in 2003- SCMR-1140-citaiton (C). It would be advantageous to reproduce herein the relevant citation for facility of reference:-

#### 2003-SCMR-1140:

#### Citation C:

J)

--Concept--Administration justice is not confined only to judicial system--Every person discharging functions in relation to rights of people is bound to act fairly, justly and in accordance with law--Exercise of powers by public functionaries in derogation of direction of law would amount to disobeying the command of law and Constitution~ If a person holding a public office is found to have proceeded in violation of law or his acts and conduct amounted to misuse of his official authority, he should be made answerable to law and should be proceeded against for an appropriate action by his superiors.

Therefore, the impugned Notification is against the spirit of administration of justice.

That the appellant is senior most employee but discriminated and treated against the law further it is added that duty and responsibility as well as the job description of both the cadres are entirely different from each other. But this important aspect was totally ignored by the authority without any justification. This is a disparity and anomaly and is also violation of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 which has unequivocally laid down that all citizens placed in similar circumstances are entitled to equal treatment and protection of law. The Hon'ble Supreme Court of Pakistan through various judgments has maintained that equal treatment is the fundamental right of every citizen. Reliance can be placed on 2002-SCMR-71 & 2007-SCMR-410(d). The relevant citation is as under;-

#### 2002-SCMR-71

#### <u>(citation-c)</u>

—Art. citizens—Two groups of persons similarly placed could not be treated differently—Dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart 25—Equality of it.

#### 2007SCMR-4 (citation-d)

-Art. 25-Equal protection of aw- -Principles-Concept of equal Page 7 of 8 protection of law envisages that person or class of persons should not be denied the rights, which enjoyed by other persons in the same situation.

Hence, the Notification is not tenable under the law.

K) That the Appellate Authority was legally bound to have decided the appeal filed by the appellant after application of mind, with cogent reasons and within reasonable time as per law laid down by august Supreme Court of Pakistan reported in 2011-SCMR-1 (citation-b). The relevant citation is as under:

#### 2011SCMR-1 (citation-b)

S. 24-A—Speaking order-Public functionaries are bound to decide cases of their subordinates after application of mind with cogent reasons within reasonable time. But the above Authority failed to do so.

Hence, the impugned notification is not warranted by the law.

- L) That the appellant filed service appeal after appellate/final order within 30 days according Section-4 of the Service Tribunal Act, 1974, the civil servant has option to file service appeal after waiting 90 days from submission of departmental appeal or wait till decision of the Departmental appeal and then after communication of departmental appeal's decision, file service appeal within 30 days. This law was further elaborate in Supreme Court judgment Cited as <u>2013 SCMR 1053</u>.
- M) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

#### APPELLANT Muhammad Ayaz Tajik

#### THROUGH:

(SYED NOMAN ALI BUKHARI) Advocate, High Court, Peshawar

### **CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

#### DEPONENT

#### LIT OF BOOKS:

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- 1. Constitution of the Islamic Republic of Pakistan, 1973.
- 2. The ESTA CODE.
- 3. Any other case law as per need.

### (SYED NOMAN ALI BUKHARI) 'ADVOCATE HIGH COURT

# BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

# APPEAL NO.\_\_\_/2024

Muhammad Ayaz Tajik

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V/S

Establishment Deptt:

# <u>AFFIDAVIT</u>

I, Muhammad Ayaz Tajik, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

#### DEPONENT

# Muhammad Ayaz Tajik



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3.

# DIRECTORATE OF CULTURE, NWFP

Dated Peshawar, the 30th July, 2009.

# <u>ORDER</u>

<u>No. SO (Culture) 1-13/2009/Appointments</u>. On the recommendation of Departmental. Selection Committee and in pursuance of the provisions contained in sub-section (2) of section 19 of the North – West Frontier Province Civil Servants Act, 1973 (NWFP Act No. XVIII of 1973), as amended by the North- West Frontier Province Civil Servants (Amendment) Act, 2005 (NWFP Act No. IX of 2005), the following are hereby appointed as Key Punch Operator (BPS-10) (3955-260-11755) against existing vacancies in Directorate of Culture, NWFP with immediate effect:-

1. Syed Azazul Hassan S/O Syed Ali Shah.

2 Mr. Muhammad Ayaz Tajik S/O Muhammad Nawaz Khan.

The terms and conditions of their appointment are as under:-

They shall be governed by the NWFP Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.

They shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to their accounts in the said fund, in the prescribed manner.

They shall initially be on probation for a period of two years extendable up to three years.

Their employment in the Directorate of Culture, NWFP, is purely temporary and their services are liable to be terminated without assigning any reason at fourteen (14) days notice or on the payment of 14 days salary in lieu of the notice. In case, they wish to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.

They shall produce a Medical Certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar, before reporting himself for duty in the Directorate of Culture, NWFP, as required under the rules.

They have to join duty at their own expenses.

If they accept post on these ditions, they should report for duty to the undersigned up to 15.08.2009 positively.

Tesled

DIRECTOR CULTURE, NWFP

Endst: No. & date even. DIRECTOR CULTURE

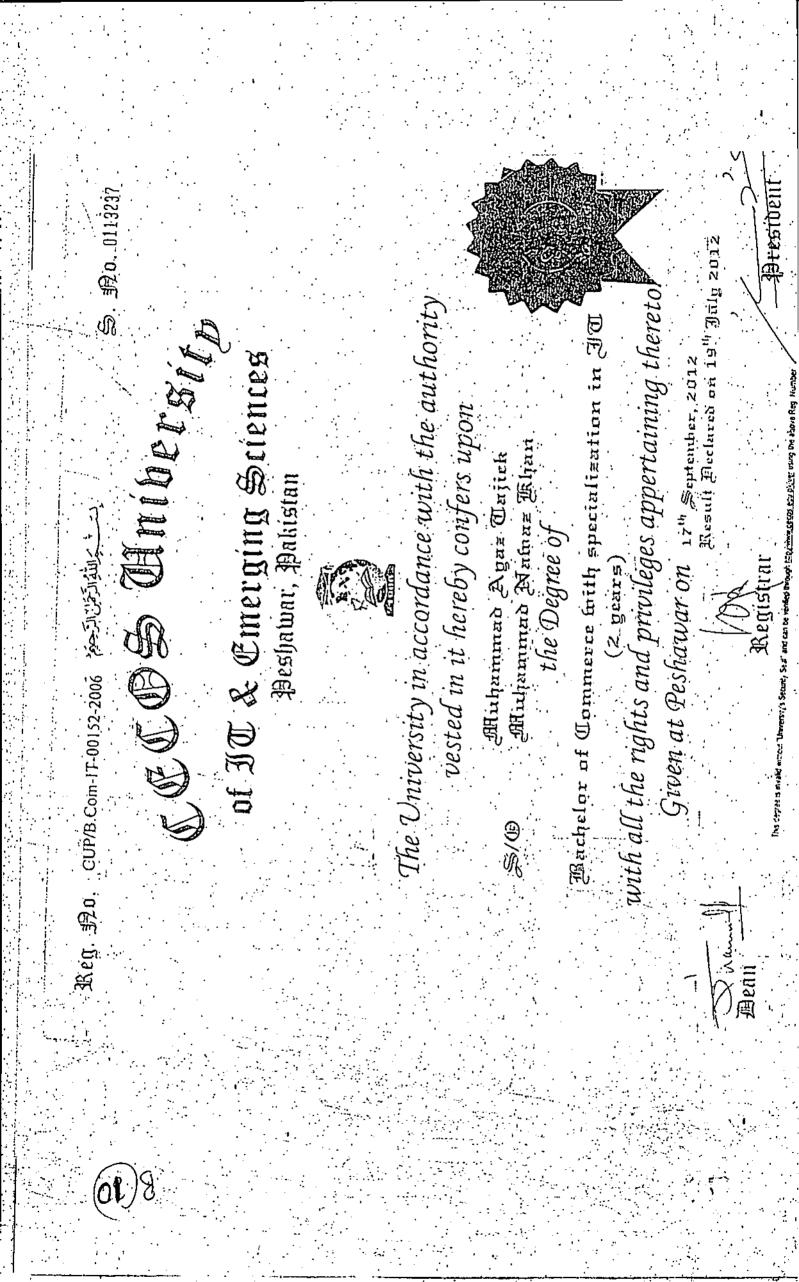
Copy is forwarded to:-

The Accounting General, NWFP, Peshawar.

Officials concerned.

Personal File. Office Order File.

DIRECTOR CULTURE, NWFP



# AL-NASIR COMPUTER INSTITUTE (ANCI)

Affiliated To N.W.F.P Board Of Technical Education Peshawar



# ONE YEAR COURSE COMPLETION OF INFORMATION TECHNOLOGY (DIT)

This Is To Certify That <u>Mr. Muhammad Avaz Tajik</u> S/O <u>Mr. Muhammad Nawaz Khan</u> Registration No. ANCI/DIT/C-315/06 Of Al-Nasir Computer Institute (ANCI) Has Been Successfully Completed One Year Training In The Field Of Information Technology In The Session Of  $02^{nd}$  January 2003 To 31<sup>st</sup> December 2006. He Has Been Awarded Grade <u>A</u> Representing <u>Good</u> On The Base Of Internal Examination.

During This Period His Character Was Good. In Recognition Thereof, This Certificate is Awarded To Him On The 27<sup>th</sup> Day Of The Month Of January 2007.

He studied in the following courses:

SEMESTER - I

- Introduction To IT
- ✓ MS Office & Internet
- Operating System
- 🗸 Data Communication 🗉
- ✓ Data Structure & C-Language
- ✓ Financial Accounting

SEMESTER - II 🗸 E-Commerce SAD Oracle (DBA) VВ

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Government of Khyber Pakhtunkhwa, Election Department

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No. SOG/E&SE/1-7/2023 Dated Peshawar the 29/11/2023

The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.

Subject: REQUISITION THE SERVICES

Respected Sir,

I am directed to refer to the subject noted above and to state that the services of Muhammad Ayaz Tajik, Computer Operator (BS-16), surplus employee of the Directorate of Culture are required to this Department:

It is requested that the services of the above-named official may please be placed at the disposal of this Department against the vacant post of Computer Operator.

Endst: No. & date even.

Section Office

Copy forwarded to:

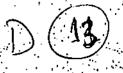
- 1. P.S to Secretary, E&SE Department.
- 2. P.S to Special Secretary, ECSE Department.
- 3. P.A to Additional Secretary (General), F&SE Department.
- 4. P.A to Deputy Secretry (4. Imn), E&SE Department.

Section Officer (

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DETAIL OF VACANT POSTS OF COMPUTER OPERA	TOR	J
ELEMENTARY AND SECONDARY EDUCATION DEPAR		<u>.</u> הי
KHYBER PAKHTUNKHWA		······································

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		SENIOR SCALE STENOGRAPHER	16.	
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The Secretary, Public Service Commission, Khyber Pakhtunkhwa.

Subject: <u>REQUESTION</u>

Dear Sir,

D'Nº: 17734

To.

With profound respect, it is stated that I was working as Computer Operator in the Directorate of Culture, Khyber Pakhtunkhwa: In the wake of Tourism Act, 2019, the Govt of KP established Culture & Tourism Authority and declared the staff of Directorate of Culture as surplus. The surplus employees are being adjusted in various Govt Department / attached formation.

Sir, I have known through reliable source that some posts of Computer Operator are lying vacant in the Khyber Pakhtunkhwa Public Service Commission, Peshawar. The commission is likely to initiate the recruitment process for filing of its vacant posts. The commission can use the services of surplus employees not only to have experienced officials but also to avoid such long recruitment process.

You are therefore, requested that to requisition the services of the undersigned from Establishment Department accordingly, please. I shall be very thankful to your good-self in this regard.

Yours faithfully

Muhammad Ayaz Tajik

Munammad Ayaz Tajik Computer Operator, Surplus Employee of Directorate of Culture.



# KHYBER PAKHTUNKWA PUBLIC SERVICE COMMISSION

Teth Rout Pealinwar Cault

No.KPP3C/Addim/FF 013/ DODDO1/

Muhammad Ayaz Tajik Computer Operator Surplus Employee of Directorate of Culture Peshawar

# REQUISITION FOR THE ADJUSTMENT OF SURPLUS EMPLOYEE OF DIRECTORATE OF CULTURE DEPARTMENT KP IN KPPSC

am directed to refer to subject noted above and to state that the selectingrant of NOC for the three (03) posts of Computer Operator (BPS-16) is under process in the Establishment Department. The adjustment of surplus pool end use against the vacant posts in attached departments is the domain of Effective against the posts in attached departments is the domain of Effective symmetric Department.

tou are therefore required to approach the Establishment against the said posts.

S=-dlll( Assistant Director (Admn)

CN 101



# KHYBER PAKHTUNKWA PUBLIC SERVICE COMMISSION 2:Fort Road Peshawar Cantl Tole: No: 091-92141300024924 No.KP/PSC/Admn/FF-613/ Date: 6 12 - 2021

The Secretary to Govt: Khyber Pakhtunkhwa, Establishment Department, Peshawar.

Subject

### RECRUITMENT AGAINST THREE POSTS OF COMPUTER OPERATOR (BPS-16) IN THE KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

Dear Sir.

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I am directed to refer to your letter No.SOE-III (E&AD)/PSC/1-24/2023 dated 16.11.2023 on the subject noted above and to state that the job of Computer Operator (BPS-16) is pensionable under Section 13 of the Civil Servant Act 1973 and the rules made thereunder are applicable on the employees of the Khyber Pakhtunkhwa Public Service Commission.

Yours faithfully,

Assistant Director (Admn)

Cópy to:-1. PS to Chairman, Khyber Pakhtunkhwa PSC. 1. PS to Secretary, Khyber Pakhtunkhwa PSC. 2. PA to Deputy Director (Admn), Khyber Pakhtunkhwa PSC. 4. Master file.

to a ta Const. Musician Asilesia

Assistant Director (Admn).

PUBLIC SERVICE CONVER

GOVERNMENT OF KHVBER PAKHTUNKHWA SPORTS & YOUTH AFFAIRS DEPARTMENT

No. SO (Sports) 6-8/W&I/Recruitment/2024/1175-20

	The Secretary to Govt. of Khyber Pakhtunkhwa,	
•	Establishment Department, Peshawar.	·• .
Altn:	<u>SQ (E-III)</u>	, '
Subject: -	OFFERING OF SERVICES AS JUNIOR CLERK (BPS-11)	· •
Door Sir,		÷

I am directed to refer to the subject noted above and to state that Establishment Department, Khyber Pakhtunkhwa vide letter No. SOE-III(E&AD)/1-5/Culture & Tourist Services/2023/Vol-1 dated 24-10-2023 have declared employees of the erstwhile Director Culture & Directorate of Tourist Services as surplus for further adjustment under Surplus Pool Policy, 2001.

2. In this regard, the Director, Directorate of Works & Implementation, Khyber Pakhtunkhwa vide: letter. No. DOW: (S&Y) 1=6/2023 Idated 27-12-2023 has intimated that the following posts are vacante in the directorate on permanent basis and requested for placement the services of the Surplus employees (at the disposal of the Directorate of Works & Implementation for their further posting.

<u>Sr.</u> #		BPS	Vacant Positions
<u>• 1 •</u>	Assistant Director (Accounts)	17	01
2 2:17	Computer operator	S-16	03
3.	Juniar Clerk	11	01
4	Driver.	06	02
5	Naib Qasid	03	02
.6	Chowkidar	03	02
. 7	Sweeper	03	02

3. Moreover, the directorate has also apprised that Mr. Zahid Hussain, Junior Clerk (BPS-11) a surplus pool employee, whose services are currently placed at the disposal of Deputy Commissioner, Peshawar for further adjustment, has shown his willingness regarding absorption / adjustment of his services against the post of Junior Clerk at Directorate of Works & Implementation, Khyber Pakhtunkhwa.

4. Foregoing in view, I am directed to request to kindly place the services of suitable surplus pool employees at the disposal of this department as per prevailing rules / regulations of Provincial Government as well as domain of Public Service Commission, for their further adjustment against the posts mentioned above on permanent basis, please.

Your faithfully,

Section Officer (Sports)

#### Encl: As above Copy to the:

- 1. Director, Directorate of Works & Implementation, Khyber Pakhtunkhwa:
- 2. Deputy Commissioner, Peshawar.
- 3. PS to Secretary, Sports & Youth Affairs Department, Peshawar.
- PA to Additional Secretary, Sports & Youth Affairs Department, Peshawar.
- PA to Deputy Secretary (Sports), Sports & Youth Affairs Department, Peshawa

L Section Officer (



091-9210524

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMINISTRATION DÉPARTMENT (ESTABLISHMENT WING) Email; soeiiisection@gmail.com

Dated Peshawar, the:6th Decembor, 2023

# NOTIFICATION

No.SOE-III(E&AD)/1-5/Culture & Tourist Services/2023/Vol-I: Consequent upon the placement of employees of the Directorate of Culture and Directorate of Tourist Services: Khyber Pakhtunkhwa, in the Provincial Surplus Pool of Establishment & Administration Department in terms of section 8(Iv)(a) of the Khyber Pakhtunkhwa Tourism Act, 2019; and subsequent recommendation of the Committee for adjustment of Surplus Staff, the Competent Authority (Secretary Establishment) under Rule-4(2)(c)(ii) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989; is pleased to place the services of the following Surplus Staff at the disposal of. Chairman, Khyber Pakhtunkhwa Service Tribunal, for adjustment against the vacant posts as noted against each, under initial quota in the Khyber Pakhtunkhwa Service. Tribunal, Peshawar, on standard terms and conditions as per relevant Service Rules:

:S#);	NAME	PRESENTIDESIGNATION	BADUUSTED AGAINST
1.	Mr. Ralig Ahmad	Assistant (BPS-16) 🦉 🦈	Law Drafter (BPS-16)
	Mr. Muhammad Ayaz Tajik	Computer Operator (BPS-16)	Senior Scale Stenographer (BPS-16)
	Mr. Syed Saif UI Wahab' Shah	Computer Operator (BPS-16)	Computer Operator

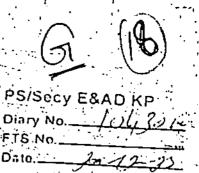
#### SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

Endst No.SOE-III(E&AD)/1-5/2023/Vol-I:

Dated Peshawar the 6th Decomber, 2023

- Copy forwarded to the:
- 1. Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar,
  - Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department in reference to letter No. FD/BO-IV/2-29/2022-23/Surplus Pool, dated 27-09-2023 with the request to abolish the mentioned posts in the Surplus Pool of E&A Department.
- 3. Accountant General, Khyber Pakhtunkhwa.
- Section Officer (Admn/Budget & Dev:), E&A Department. 4,
- 5. PS to Secretary (Estt) Establishment Department.
- PA to Additional Secretary (Estt) Establishment Department. 6 Official concerned with directions to immediately report to Khyber Pakhlunkhwa **'7**2
- Service Inbunal, Peshawar,
- Master file, ...

OFFICER (E-III)



The Secretary, Establishment Department, Khyber Pakhtunkhwa

Subject:

2:20

APPEAL FOR ADJUSTMENT AGAINST THE POST OF COMPUTER OF OPERATOR INSTEAD OF EX-CADRE POST i.e SENIOR SCALE STENOGRAPHER.

Dear Sir,

With profound respect, it is stated that I was working as Computer Operator in the Directorate of Culture, Khyber Pakhtunkhwa. In the wake of Tourism Act; 2019, the Government of Khyber Pakhtunkhwa established Culture & Tourism Authority and declared the staff of Directorate of Culture as surplus. Establishment Department has recently adjusted the surplus employees of the Directorate of Culture, Khyber Pakhtunkhwa in various Government. Departments, and the undersigned has been adjusted against a totally different cadre post of Senior Scale Stenographer in Khyber Pakhtunkhwa Service Tribunal, Peshawar vide Establishment Department order dated 06.12.2023 (Copy enclosed).

Sir, the job description of Senior Scale Steno and Computer Operator are quite different. To work in Court, Stenographer is required to have the shorthand skills. Since the undesigned was initially appointed as Computer Operator and due to lack of this vary Skill, it is very difficult for me to efficiently perform the official work against the ex-cadre post i.e. Senior Scale Stenographer as the shorthand skill is much essential for a stenographer specially in Courts.

Sir, you are therefore, most humbly requested that the undersigned may be adjusted against my original designation / IT cadre instead of the post of Senior Scale. Stenographer / PS Cadre, in Khyber Pakhtunkhwa, Public Service Commission as the Public Service Commission has shown the vacant posts of Computer Operator vide its letter (**Copy enclosed**).

and the state

Yours faithfully 201

Muhammad Ayaz Tajik Computer Operator, Surplus Employee of Directorate of Culture.



GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMINISTRATION DEPARTMENT (ESTABLISHMENT WING) Email: soe3.estab@kp.gov.pk

<u>091-9210524</u>

Τo.

SOE-III(E&AD)/1-5/Culture & Tourist Services/2024/Vol-II Dated Peshawar the <u>10<sup>th</sup> September, 2024</u>

Mr. Muhammad Ayaz Tajik, Senior Scale Stenographer, Service Tribunal, Khyber Pakhtunkhwa.

# SUBJECT: <u>REMINDER FOR OUTCOME TO THE DEPARTMENTAL APPEAL FOR</u> ADJUSTMENT TO THE POST OF COMPUTER OPERATOR INSTEAD OF EX-CADRE POST I.E. SENIOR SCALE STENOGRAPHER

I am directed to refer to your application dated Nil, on the subject noted above and to state that your adjustment was made by the Adjustment Committee as per Surplus Pool Policy, 2001 against the vacant post of Senior Scale Stenographer (BPS-16) in Service Tribunal, Khyber Pakhtunkhwa due to relevancy of designation with the Computer Operator (BPS-16) and fulfilment of required academic qualification. Furthermore, there is no provision of re-adjustment in the ibid Policy.

2.

You are, therefore, informed that your appeal is hereby regretted, please.

(MUHAMMAD SAJID) SECTION OFFICER (E-III)

Pakhi

Diary No. 310

Ce Tribu

Endst. of even No. & date Copy forwarded to the:

PS to Secretary (Estt:), Establishment Department.
Master file.

SECTION OFFICER (E-III)

GOVERNMENT OF KHYBER PAKHTUNKH ESTABLISHMENT & ADMINISTRATION DEPARTMENT (ESTABLISHMENT WING) Email: soellisection@gmail.com

091-92105:1

Ditind Peshawar, the 7th December, 2023

# NOTIFICATION

No.SOF-UVE&AD)/1-5/Culture & Tourist Services/2023/Vol-I: Consequent upon the placement of employees of the Directorate of Culture and Directorate of Tourist Services, Kryber Pakhtunkhwa, in the Provincial Surplus Pool of Establishment & Administration Department in terms of section 8(iv)(a) of the Khyber Pakhtunkhwa Tourism Act. 2019; and subsequent recommendation of the Committee for adjustment of Surplus, Staff, the Competent authority (Secretary, Establishment) under Rule-4(2)(c,iii) of the Knyber Pakhtunkhvie Civil Servants (Appointment, Promotion and Transfer) Rides 1989 is pleased to place the services of Mr. Syed Azaz UI Hassan SIO Syed All Shah; Computer Operator (BPS-16) at the disposal of Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education, Archives & Libraries. Department, for further adjustment against the vacant post of Computer Operator (DPS-16), inder initial quota, In the Directorate of Archives & Libraries, Khyber Pakhtunkhiva, on standard terms and conditions as per relevant Service Rules.

#### SECRETARY TO GOVERNMENT OF WIYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

Enast: No:00E-III(E2.60)(1-5/2023/1/01); Copy forwarde:' to the:

Dated Peshawar the 7th December, 2023

- 1. Secretary to Covt. of Knyber Pakhtur shwa, Higher Education, Archivos & Libraries Déportment
- Becastary to Clove of Kleyber Pakhtunkhwa, Finance Department In reference to letter 12 5000. Viz. 202022 22/Surplut Port dated 27-09-2023 with the request to abolisti the manufound positi in the Surpius Puol of E&A Department.
- 3. Accourtiant General, Khyber Pakhtulishwa.
- 4: Director Ambies, Addinarles, Khybar Pakhtunkhwa.
- 5. Section Officer (Admn/Budget & Dev.), E&A Department. 6. PS to Sectionary (Est) Establishment Department
- 7. PA to Addrional Secretary (Estt) Establishment Department.
- B. Official connectors with directions, it immediately report to Directorate of Archives & Ibranus, Chyber Pskhlynkhwo 9. Master Ste

0.0.0 Public Library Charsadila

FICER (E-III)



091-9210524

GOVERNMENT OF KHYBER PAKHTUNKH ESTABLISHMENT & ADMINISTRATION DEPARTMENT (ESTABLISHMENT WING) Email: socilisection@gmail.com

Dated Peshawar, the 7th December, 2023

# <u>NOTIFICATION</u>

No.SOE-III(E&AD)/1-5/Culture & Tourist Services/2023/Vol-I: Consequent upon the placement of employees of the Directorate of Culture and Directorate of Tourist Services, Khyber Pakhtunkhwa, in the Provincial Surplus Pool of Establishment & Administration Department in terms of section 8(iv)(a) of the Khyber Pakhtunkhwa Tourism Act, 2019; and subsequent recommendation of the Committee for adjustment of Surplus Staff, the Competent Authority (Secretary Establishment) Rule-4(2)(c)(ii) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, is pleased to place the services of the following Surplus Staff at the disposal of Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, for further adjustment against the vacant posts as noted against each, under initial quota, in the Provincial Health Services Academy (PHSA), Khyber Pakhtunkhwa, on standard terms and conditions as per relevant Service Rules:

S#	NAME		ADJUSTED AGAINST
1.	Mr. Shaher Yar Khan S/O	Computer Operator	Computer Operator
	Said Nawaz	(BPS-16)	(BPS-16)
2.	Mr. Israr Ahmad Khan S/O	Computer Operator	Computer Operator
	Shir Muhammad Khan	(BPS-16)	(BPS-16)

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

Dated Peshawar the 7th December, 2023

Endst: No.SOE-III(E&AD)/1-5/2023/Vol-I: Copy forwarded to the:

- 1. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
- 2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department in reference to letter No. FD/BO-IV/2-29/2022-23/Surplus Pool, dated 27-09-2023 with the request to abolish the mentioned posts in the Surplus Pool of E&A Department.
- 3. Accountant General, Khyber Pakhtunkhwa.
- 4. Director General, Provincial Health Services Academy, Khyber Pakhtunkhwa.
- 5. Section Officer (Admn/Budget & Dev.), E&A Department.
- 6. PS to Secretary (Estt) Establishment Department.
- 7. PA to Additional Secretary (Estt) Establishment Department.
- 8. Official concerned with directions to immediately report to Provincial Health Services Academy (PHSA).
- 9. Master file.

FOFFICER (E-III)

CamScanner 2

GOVERNMENT OF KHYBER PAKHTUNKHW ESTABLISHMENT'& ADMINISTRATION DEPARTMENT (ESTABLISHMENT WING) Email soeilisection@gmail.com

Dated Peshawar, the 7th December, 2023 091-9210524 و میرونو اور اور میرونو اور اور اور اور 

# **NOTIFICATION**

No:SOE-III(E&AD)/1-5/Culture & Tourist Services/2023/Vol-I: Consequent upon the placement of employees of the Directorate of Culture and Directorate of Tourist Services, Khyber Pakhlunkhwa, in the Provincial Surplus Pool of Establishment & Administration. Department in terms of section 8(iv)(a) of the Khyber Pakhtunkhwa Tourism Act. 2019; and subsequent recommendation of the Committee for adjustment of Surplus Staff, the Competent Authority: (Secretary Establishment) under Rule-4(2)(c)(ii) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, is pleased to place the services of the following Surplus Staff at the disposal of Secretary to Govt of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department, for further adjustment against the vacant posts, as noted against each, under initial quota, in the Directorate of Industries & Commerce, Khyber Pakhtunkhwa, on standard terms and conditions as per relevant Service Rules:

MULLINAME	PRESENT DESIGNATION	A DUUSTED WOWNESS	·
Mr. Kashif Jan S/O Deedar Gul	Assistant (BPS-16)	Assistant (BPS-16)	:
Mr. Naeem-Ul-Haq S/O Abdul Haq	Senior Scale Stenographer (BPS-16)	Assistant (BPS-16)	, [.
	Mr. Kashir Jan S/O Deedar Gul Mr. Naeem-Ul-Haq	Mr. Naeem-Ul-Haq Senior Scale Stenographer	Deedar Gul     Assistant (BPS-16)     Assistant (BPS-16)       Mr. Naeem-UI-Haq     Senior Scale Stenographer     Assistant (BPS-16)

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

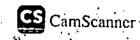
Endst: No.SOE-III(E&AD)/1-5/2023/Vol-1: Dated Peshawar the 7th December, 2023 Copy forwarded to the:

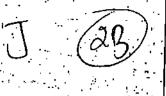
- 1. Secretary to Govt. of Khyber Pakhtunkhwa, Industries, Commerce. & Technical Education Department
- 2. Secretary to Govt. of Khyber Pakhtunkhwa; Finance Department in reference to letter No. FD/BO-IV/2-29/2022-23/Surplus Pool, dated 27-09-2023 with the request to abolish the mentioned posts in the Surplus Pool of E&A Department.
- 3. Accountant General, Khyber Pakhtunkhwa.
- 4. Director, Industries & Commerce, Khyber Pakhtunkhwa.
- 5. Section Officer (Admn/Budget & Dev:), E&A Department.
- 6. PS to Secretary (Estt) Establishment Department.
- PA to Additional Secretary (Estt) Establishment Department. 7.

8. Official concerned with directions to immediately report to Directorate of Industries &

Commerce, Khyber Pakhtunkhwa... 9.: Master file,

SECTION OFFICER (E-III)





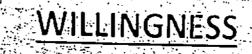
# WILLINGNESS

1, Rizwan Javed, Surplus Junior Clerk (BPS-11) of erstwhile Directorate of, Culture is hereby submit my willingness to be adjusted as Junior Clerk (BS-11) in the office of Public Service Commission under Surplus Pool.

Policy.



# Surplus Junior Clerk (BPS-11) Erstwhile Directorate of Culture





I, Haider Zaman, Surplus Senior Clerk (BPS-14) of erstwhile Directorate of Culture is hereby submit my unwillingness to be adjusted as Junior Clerk (BS-11) in the office of Public Service Commission under Surplus Pool Policy.

IA IDCI (Haider Zaman) 22 1512001 Surplus Senior Clerk (BPS-14)

Erstwhile Directorate of Tourism

# **WILLINGNESS**



I, Arshad Khan, Surplus Supervisor Sound System (BPS-13) of erstwhile Directorate of Culture is hereby submit my willingness to be adjusted as Electric Sub-Inspector (BS-12) (on a lower scale) in the Electric Inspectorate of Khyber Pakhtunkhwa under Government of Khyber Pakhtunkhwa Energy & Power Department as per their requisition vide Sector Officer (General) letter No.SOG/E&P/11-1/2022/Vol-I dated 07-12-2023.

· · · · · · · · ·

Mith (Arshad Khan)

Surplus Supervisor Sound System (BPS-13) Erstwhile Directorate of Culture

DIRECTORATE OF CULTURE, KITYBER PARITUNKIIWA.

No Dir (C) 1-1/2012/ Establish:
Dited Peshiwar, the 27<sup>th</sup> February, 2014.

# <u>ORDER:</u>

No. Dir (C)-1-1/2012/Establishment: - The Competent Authority has been pleased to appoint Mr. Synd Saif 14 Wahab Shah S/O Synd Sajjad Duzmain Shah reaident of house No: 137/1356, Julit Quinters Sheikhabad No:03, Post Office Gulbahar, Peshawai as Computer Operator (BPS-12) with immediate effect from -Q1/03/2014 on the following, terms and conditions.

1. His services will be purely temporary and can be terminated at any time.

2. He will be responsible to perform effectively during all function of Directorate of Culture.

3. His tenure of service will be extendable subject to performance of the incombent.

line ....

(Mahmood Khan)! Director Culture

· Endst: No & date even:-

Copy forwarded to; -

1. PS to Secretary, Information, PRs & Culture Department.

2. Accountant Nishfar Hall Peshawar.

3. Official Concerned.

Maler al Director Cultur



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i.

No.DTS-PR-1(158)/2019-A&E Government of Khyber Pakhtunktiwa Directorate of Tourist Services

F) met

27

Reg/BSM/Ord

4<sup>th</sup> Floor, FC Plezs, Sunchri Masjid Road, Peshawar, the 3<sup>rd</sup> October 2019

Subj	ect		RECRUIT	MENT TO.1	THE POST	OF CO	MPUTER		FOR (BP	S-16)		_
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Subject:

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4<sup>th</sup> Floor, FC Plaza, Sunehn Masjid,Road, Peshawar, the Jrd, October, 2019

• .	RECRUITMENT TO	THE POST	OF COMPUTER	OPERATOR	(BPS-16

Consequent upon the recommendation of KPPSC Mr. Israr Ahmad Khan is hereby appointed as Computer Operator (BPS-16). This offer of appointment against the post of Computer Operator (BS-16) in the DTS is made to recommend with the following term & condition. He will get pay at the minimum of BPS-16 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy." He will have no claim to seniority and confirmation from the date earlier to his date of appointment and in preference to b. persons already serving in the Directorate of Tourist Services. He shall be governed by the Givil Servant Act, 1973 and all the laws applicable to the Civil Servants and Rules, made c: there under. He will be on probation for a period of one year in the first instance extendable by an order before or after its completion ٠**d**. for further period of one year. During probation his services are liable for termination at any time without assigning any reason. His appointment will be provisional subject to verification of his character and antecedents and medical fitness e.' He will report for joining at Directorate of Tourist Services, 4th Floor FC Plaza Peshawar Saddar and later on will be ſ. posted anywhere in Khyber Pakhtunkhwa. g. He will be required to report for duty in the office at Para-(f) within 15 days. He shall produce a medical certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before h' joining duty as required under the rules. For all other terms not covered here in above, his services will be governed by the government servant's rules, He has to join duties at his own expenses. In case he wishes to resign at any time 14 days' notice will be necessary or in lieu thereof 14 days' pay will be forfeited. He would bring with him the following documents. His original domicite certificate, educational certificate (Matriculation etc.) and two attested copies thereof from the concerned board / University Character Certificate signed by a class 1 Gazette Officer). He should immediately but not later than 20-10.2019 inform this office whether or not the offer of appointment is acceptable to him. If the offer is acceptable to him, he should immediately contact the office as indicated at Para-I (f) above to 2. ascertain the date on which he is required to report for medical examination/duty. The offer of appointment is liable to be canceled if he fails to report for duty within the above prescribed period. No TA/DA will be paid for joining the duty in the Department. Nasoer Ahmad -OI Tot Admin's Azerount Officer, Director Flogi Dashawal 44 Mr. Israr Ahmad Khan 'S/o Shir Muhammad khan R/o Village Ditpani Tehsil & Post Office Matta Distt Swat Accountant General, Khyber Pakhtunkhwa , Peshawar, PS to Secretary, Sport & Tourism Department, Govi: of Khyber Pakhtunkhwa The Section Officer Tourism . Director Recruitment Khyber Pakhtunkhwa Public Service Commission 2 Fort Road Peshawar Cantt, Naseer Ahmad Admin & Account Officer

# VAKALÁT NAMA

NO.\_\_\_\_/20

IN THE COURT OF KP Service with	us Peshawe
Muhanment Ataz Tajela VERSUS	Appellant Petitioner Plaintiff
Establishment Depti-	espondent (s) Defendants (s)
	hereby appoint
and constitute the SYED NOMAN ALI BUKHARI Advocate High aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s)	
Opposite Party to commence and prosecute / to appear and defer appeal / petition / reference on my / our behalf and al proceeding	
taken in respect of any application connected with the same include	ling proceeding
in taxation and application for review, to draw and deposit money, documents, to accept the process of the court, to appoint and inst	-
represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) /	
Defendant(s), Opposite Party agree(s) ratify all the acts done by the	aforesaid.

DATE\_\_\_\_/20

(CLIENT)

ACCEPTED

SYED NOMAN ALI BUKHARI ADVOCATE HIGH COURT BC-15-5643

# CELL NO: 0306-5109438