

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 964/2024

Harmia Khanum Assistant Professor W/O Muhammad Tariq Jadoon, Govt
Polytechnic Institute (Women) Hayatabad, Peshawar

..... Appellant

Versus

1. Chief Secretary to Govt Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department,
Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa, Industries, Commerce and
Technical Education (IC&TE) Department, Peshawar

..... Respondents.

INDEX

S.No	Description of documents	Annex	Page No
1	Comments Reply	--	1-2
2	Service Rules	A	3-9
3	Affidavit		10
4	Authority Letter		11



(IKRAM ULLAH)
SUPERINTENDENT (Litigation)
Industries, Commerce & Technical Education Department

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

①

Service Appeal No. 964/2024.

**Harmia Khanum W/O Muhammad Tariq Jadoon, Assistant Professor
BS-18, Govt Polytechnic Institute (Women) Hayatabad, Peshawar**

..... **Appellant.**

VERSUS

1. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department Peshawar.
2. Chief Secretary to Govt: of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Industries, Commerce and Technical Education (IC&TE), Peshawar..... **Respondents.**

Khyber Pakhtunkhwa
Govt. Secretariat

Date: 18/5/24

Date: 19-11-24

PRELIMINARY OBJECTIONS:

- A- That the Appeal is badly time barred.
- B- That the Appellant has no cause of action to file the instant appeal.
- C- That the Appellant has got no locus standi.
- D- That the Appellant has been estopped by her own conduct to file the present service appeal.
- E- That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- F- That the appeal is not maintainable in its present form.

Respectfully Sheweth:

1. Pertains to record.
2. It is incorrect. The Appellant has been working in this department as Assistant Professor BS-18 since 19-11-2018.
3. Pertains to record.
4. It is correct with further clarification that the distribution of posts in BS-20, 19, 18 and 17 at Govt. Polytechnic Institutes for Women are also being properly made by the department whereas all the three technologies and related studies subjects group shall be allocated posts in each scale. There is an Officer in the 'Dress Making and Designing Technology' department, who is otherwise also the senior most officer in BS-18 in the Polytechnic Institute for Women. She is also claimant of one of the posts in BS-19 for her promotion. Besides, two Service Appeals bearing NO. 1090/2024 and 1091/2024 filed by the Lecturers BS-17/ Officers of the said Govt. Polytechnic Institute for Women, are also pending adjudication in this honorable Service Tribunal regarding the instant issue of rational distribution and allocation of posts amongst the different groups. (Copy of the Service Rules is annexed at A). Further, the total numbers of posts in Govt. Polytechnic Institute for Women are also being rationalized as at present these posts being irrationally distributed have created embarrassment amongst the deprived cadres. It is pertinent to mention that at present a number of BS-17 officers in these institutions, because of irrational creation/ up gradation and

allocation of posts, have been posted against the higher posts for the purpose of pay which act, otherwise also, highly objectionable from audit point of view. Hence it is reiterated to clarify that at present there is no clear post in GPI for Women, available for promotion of either cadre. (2)

5. It is incorrect in view of aforementioned comprehensive reply. Further, it is the prerogative of the Provincial Selection Board to defer the Acting Charge Appointment/Promotion of an officer without assigning any reason.
6. It is incorrect in view of aforementioned explained position.
7. It is correct with further clarification as explained in the preceding paras.
8. It is incorrect in view of aforementioned explained position.
9. The departmental appeal of the appellant was not worth considerable for the reason stated in the preceding paras. The same was, therefore, accordingly filed.

GROUND:

- A. It is incorrect in view of comprehensive reply submitted in the preceding paras.
- B. It is incorrect in view of comprehensive reply submitted in the preceding paras.
- C. It is incorrect in view of comprehensive reply submitted in the preceding paras.
- D. It is incorrect in view of comprehensive reply submitted in the preceding paras.
- E. It is incorrect in view of comprehensive reply submitted in the preceding paras.
- F. It is incorrect in view of comprehensive reply submitted in the preceding paras.
- G. It is incorrect in view of comprehensive reply submitted in the preceding paras.

Keeping in view the reply submitted above, it is evident that the instant service appeal has no force of law and is devoid of the facts and is, therefore, liable to be dismissed. It is, therefore, requested that the instant appeal may be dismissed with cost throughout.

Govt: of KP through Establishment,
Department, Peshawar
(Respondent No.1)
Mr. Nadeem Aslam Chaudhry

Govt: of KP through Secretary
Chief Secretary, Peshawar.
(Respondent No.2)
Mr. Zulfiqar Ali Shah

Govt: of KP through Secretary
Industries, Commerce and Technical
Education, Peshawar.
(Respondent No.3)
Mr. Amer Afaq

SECRETARY ESTABLISHMENT
Establishment & Administration
Department.

CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa

Secretary to
Govt. of Khyber Pakhtunkhwa
Industries, Commerce &
Technical Education Deptt.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III

G A Z E T T E

CS CamScanner

3

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 24TH NOVEMBER, 2017

Government of Khyber Pakhtunkhwa
Industries, Commerce & Technical Education Department

NOTIFICATION

Dated: 22nd April, 2015

No. SOIII(IND)4-13/2015/5852-64.—In pursuance of the provision contained in the sub-rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer Rules, 1989 and supersession of all notifications issued in this behalf, the Industries, Commerce & Technical Education Department, in consultation with Establishment Department and the Finance Department, hereby lays down the method of the recruitment, qualification and other conditions specified in column No.3 to 5 of the Appendix to this notification which shall be applicable to the posts belonging to the teaching cadre staff of Govt. Colleges of Technology, Govt. Polytechnic Institutes, Govt. Technical Teachers Training College and Govt. Technical Institutes (Male & Female) specified in column No.2 of the said Appendix.

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

673

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

Handwritten signature
Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department.

APPENDIX

S.No	Nomenclature of the post	Minimum required qualification for initial appointment	Age limit	Method of recruitment
1	2	3	4	5
1.	Professors / Principal (Technical Cadre) (BPS-20)	---	---	By promotion, on the basis of selection on merit, from amongst the Associate Professors and Principals (Technical Cadre) BPS-19 with at least seven years service as such.
2.	Professor (Basic Sciences and Humanity Group) (BPS-20)	---	---	By promotion, on the basis of selection on merit, from amongst the Associate Professor (Basic Sciences & Humanity Group) BPS-19 with seven years service as such.
3.	Associate Professor / Principal (Technical Cadre) BPS-19	<p>i. Ph.D in the relevant technology from a recognized University with five years teaching or professional experience or</p> <p>ii. Master's Degree in relevant technology from a recognized University with twelve years teaching or professional experience.</p>	30 – 45 years	<p>(a) Eighty percent by promotion, on the basis of seniority cum fitness, from amongst the Assistant Professor (Technical Cadre) BPS-18 having seven year service experience as such with 6 month Technical Teaching Training Course from a recognized Institute with.</p> <p>i. Bachelor's Degree in Engineering from a recognized University or;</p> <p>ii. Four years B.Tech (Hons) from a recognized University; or</p> <p>iii. Equivalent Qualification in the relevant Technology from a recognized University; and</p> <p>(b) Twenty percent by initial recruitment.</p>

[Signature]
 Director, Government
 Ministry, Commerce and
 Education Deptt.
 of K.P.K.


KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 24TH NOVEMBER, 2017 675

4.	Associate Professor (Basic Science and Humanity Group) BPS-19	<ul style="list-style-type: none"> i. Ph.D / M.Phil in the relevant subject from a recognized University with five years teaching of Professional experience in the relevant filed; or ii. Master's Degree in the relevant subject, from a recognized University with twelve years teaching or professional experience in the relevant filed. 	30-45 years	<ul style="list-style-type: none"> a). Eighty percent by promotion, on the basis of seniority cum fitness, from amongst the Assistant Professors (Basic Sciences and Humanity Group) BPS-18, having seven years service as such with six month training in teaching Methodology or Technical Teachers training course from a recognized Institute; and b). Twenty percent by initial recruitment
5.	Assistant Professor (Technical Cadre) (BPS-18)	<ul style="list-style-type: none"> i. Ph.D in the relevant technology from a recognized University; or ii. Master's Degree in the relevant technology from a recognized University with three years experience in the relevant filed; or iii. Bachelor's Degree in Engineering or four years Bachelor's Degree in Technology or equivalent qualification in the relevant technology from a recognized university having five years experience in the relevant filed. 	30 - 45 years	<ul style="list-style-type: none"> a. Fifty percent by promotion, on the basis of seniority cum fitness, from amongst the Lecturers (Technical Cadre) BPS-17 having Bachelor's degree in Engineering or four years B.Tech (Hons) or equivalent qualification in the relevant Technology with six months Technical Teacher training course having five years experience in the relevant filed; b. Ten percent by promotion, on the basis of seniority cum fitness, from amongst the Lecturers (Technical Cadre), BPS-17 having Diploma of Associate Engineering with six month Technical Teacher Training Course in the relevant technology from a recognized Institute having five years service as such; and c. Forty percent by initial recruitment.
6.	Assistant Professor (Basic Sciences and Humanity Group) BPS-18	<ul style="list-style-type: none"> i. Ph.D or M.Phil in the relevant subject from a recognized University; or ii. Master's Degree in the relevant subject from recognized University having five years teaching experience in the relevant filed in Government Semi Government or Autonomous Organization. 	30-45 Years	<ul style="list-style-type: none"> a. Sixty percent by promotion, on the basis of seniority cum fitness, from amongst the Lecturers (Basic Sciences and Humanity Group) BPS-17 with six months training in Teaching Methodology having five years service as such and b. Forty percent by initial recruitment.

Attested
 Director
 Manpower and
 Education Deptt
 Government of K.P.


676 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 24TH NOVEMBER, 2017

07	Lecturer (Technical Cadre) BPS-17	Bachelor's Degree in Engineering or four years Bachelor's Degree in Technology or equivalent qualification in the relevant technology, from a recognized University with two years teaching or professional experience in the relevant field.	21 - 30 years	<p>a. Fifty percent by promotion, on the basis of seniority cum fitness, from amongst the Junior Instructors and Demonstrators BPS-14 with Diploma of Associate Engineering from a recognized Institute having five years service as such and six months Technical Teacher Training Course from a recognized Institute;</p> <p>b. Ten percent by promotion, on the basis of seniority cum fitness, from amongst the Junior Instructors BPS-14 having Bachelor's Degree Engineering or four years B.Tech (Hons) from a recognized University; and</p> <p>c. Forty percent by initial recruitment.</p>
08.	Lecturer (Basic Sciences & Humanity Group) BSP-17	Master's Degree in the relevant subject from a recognized University with two years teaching experience in the relevant filed from Government / Semi government or Autonomous Organization.	21 - 30 years	By Initial recruitment.
09.	Junior Instructor (BPS-14)	Diploma of Associate Engineering in the relevant technology from a recognized institute with two year experience in the relevant field.	21 - 28 years	<p>a. Five percent by promotion, on the basis of seniority cum fitness, from amongst the Draftsman (BPS10) having Diploma of Associate Engineering from recognized Institute with five years service as such:</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment; and</p> <p>b. Ninety five percent by initial recruitment.</p>


 Director, Commerce &
 Tech. Education Deptt
 Govt. of K.P.K.

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 24TH NOVEMBER, 2017 677

10.	Demonstrator (BPS-14)	Diploma of Associate Engineering in the relevant technology from a recognized Institute with Two years Diploma in IT from a recognized institute.	21 - 28 Years	<p>a. Twenty percent by promotion, on the basis of seniority cum fitness, from amongst the Demonstrators (BPS-10) having Diploma of Associate Engineering from a recognized Institute with five years service as such:</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment; and</p> <p>b. eighty percent by initial recruitment.</p>
11.	Demonstrator (BPS-10)	<p>i. Secondary School Certificate from a recognized Board with G-I Level Course in the relevant trade from a recognized Institute; or</p> <p>ii. Secondary School Certificate from a recognized Board with G-II Level course or Trade Proficiency Certificate in the relevant trade from a recognized Institute having two years experience in the relevant filed.</p>	21 - 28 Years	By initial recruitment.
12.	Draftsmen (BPS-10)	<p>i. Secondary School Certificate from a recognized Board with <u>G-I Level Course</u> in the relevant trade from a recognized Institute; or</p> <p>ii. Secondary School Certificate from a recognized Board with <u>G-II Level Course</u> in the relevant trade from a recognized Institute having two years experience in the relevant filed.</p>	21 - 30 years	By Initial recruitment


 Secretary, Industries, Commerce, Manpower and Labour, Education Deptt. Govt. of K.P.K.

13.	Audio Video Projectionist (BPS-8)	<p>i. Secondary School Certificate from a recognized Board with G-II Level Course in the relevant trade from a recognized Institute; or</p> <p>ii. Secondary School Certificate from a recognized Board with Trade Proficiency Certificate in the relevant trade from a recognized institute.</p>	21 – 28 years	By initial recruitment.
14.	Shop Assistant (BPS-6)	<p>i. Secondary School Certificate from a recognized Board with G-II Level Course in the relevant trade from a recognized Institute; or</p> <p>ii. Secondary School Certificate from a recognized Board with Trade Proficiency Certificate in the relevant trade from a recognized Institute.</p>	21 – 28 Years	<p>a.) Twenty percent by promotion, on the basis of seniority cum fitness, from amongst the Shop Attendants having Secondary School Certificate from a recognized Board with trade proficiency Certificate in the relevant trade and five years service as such; and</p> <p>b.) Eighty percent by initial recruitment.</p>
15.	Electrician (BPS-05)	<p>i. Secondary School Certificate from a recognized Board with G-III Level Course in the relevant trade from a recognized Institute; or</p> <p>ii. Secondary School Certificate from a recognized Board with Trade Proficiency Certificate in the relevant trade from a recognized Institute</p>	21 – 28 Years	By initial recruitment.

Handwritten signature

Section Officer
 Director, Comptroller and
 Administration and
 Education Deptt
 Govt of K.P.K.

KHYBER PAKHTUNKHWA GOVT. GAZETTE, EXTRAORDINARY, 24TH NOVEMBER, 2017 679

16.	Shop Attendant: (BPS-1)	Secondary School Certificate from a recognized Board	21 - 28 years	15) Initial recruitment:
-----	----------------------------	--	---------------	--------------------------

[Handwritten Signature]
Section Officer III
Industries, Commerce and
Manpower and
Tech. Education Deptt
Govt. of K.P.W.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL EDUCATION
DEPARTMENT

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

(10)

Service Appeal No. 964/2024.

Harmia Khanum W/O Muhammad Tariq Jadoon, Assistant Professor
Govt Polytechnic Institute (Women) Hayatabad, Peshawar.

..... Appellant.

VERSUS

1. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. Chief Secretary to Govt: of Khyber Pakhtunkhwa, Peshawar
3. Secretary to Govt: of Khyber Pakhtunkhwa, Industries, Commerce, and Technical Education (IC&TE), Peshawar

..... Respondents.

AFFIDAVIT

We, the respondents in the aforementioned service appeal do, hereby solemnly affirm and confirm that the contents of the accompanying parawise comments in the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this august tribunal.

It is further stated on oath that the answering respondents have neither been placed ex-parte nor their defence has been struck off, also no cost is imposed,

Govt: of KP through Establishment,
Department, Peshawar

(Respondent No.1)

Mr. Nadeem Aslam Chaudhry

Govt: of KP through Secretary
Chief Secretary, Peshawar.

(Respondent No.2)

Mr. Zulfiqar Ali Shah

Govt: of KP through Secretary
Industries, Commerce and Technical
Education, Peshawar.

(Respondent No.3)

Mr. Amer Afaq

SECRETARY ESTABLISHMENT
Establishment & Administration
Department.

CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa

Secretary to
Govt. of Khyber Pakhtunkhwa
Industries, Commerce &
Technical Education Deptt.



19.11.2024

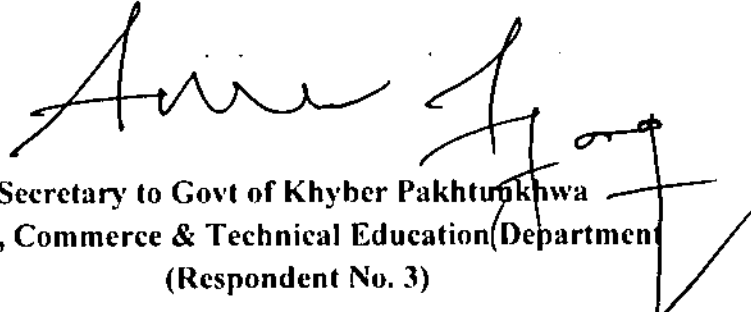
11



**GOVERNMENT OF KHYBER AKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION DEPARTMENT**

AUTHORITY LETTER

Mr. Ikram Ullah, Superintendent (litigation), Industries, Commerce & Technical Education Department hereby authorized to submit parawise comments in **Service Appeal No. 964/2024, "HARMIA KHANUM VS GOVT OF KHYBER PAKHTUNKHWA"** on behalf of Respondents in the Khyber Pakhtunkhwa, Service Tribunal Peshawar.


Secretary to Govt of Khyber Pakhtunkhwa
Industries, Commerce & Technical Education Department
(Respondent No. 3)

Secretary to
Govt. of Khyber Pakhtunkhwa
Industries, Commerce &
Technical Education Deptt.