

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 621/2018

Date of Institution ... 17.04.2018

Date of Decision ... 21.10.2021

Mr. Sarzamin Khan, Assistant (BPS-16) (Rtd:), Directorate of Information
Department, Khyber Pakhtunkhwa, Peshawar. ... (Appellant)

VERSUS

The Chief Secretary Khyber Pakhtunkhwa, Peshawar and four others.
... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,
Advocate ... For Appellant

MR. RIAZ KHAN PAINDAKHEIL,
Assistant Advocate General ... For Respondents

ROZINA REHMAN ... **MEMBER (JUDICIAL)**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant joined the respondents department as Junior Clerk in 1977. During the course of his service, the appellant was promoted to the post of senior clerk and then to Assistant (BPS-16). The appellant was not promoted to the post of Superintendent/Administrative Officer (BPS-17) vide order dated 05-12-2017. Feeling aggrieved, the appellant filed departmental appeal dated 18-12-2017, which was not responded to; hence the instant service appeal with prayers that the decision dated 05-12-2017 may be set aside and the appellant may be considered for pro-forma

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promotion to the post of Superintendent/Administrative officer (BPS-17) with effect from 31-12-2013 with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, as such, the respondents violated Article-4 and 25 of the constitution; that the impugned decision dated 05-12-2017 has been issued on malafide and arbitrary intentions and as such, the same is violative of the principle of natural justice; that the respondents acted in arbitrary manner by not allowing proforma promotion to the appellant despite the fact that he was on the top of seniority list and is eligible for proforma promotion according to service rules; that the impugned decision dated 05-12-2017 is violative of civil servant Act, 1973 read with Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989.

03. Learned Assistant Advocate General for the respondents has contended that delay in promotion case of the appellant was not intentional, rather the appellant went in litigation vide Service Appeal No. 87/2012 against the amended service rules, due to which the respondents could not process his case well in time; that for the purpose, the appellant had withdrawn his case vide order dated 11-01-2016 and again requested for his promotion, but his promotion could not attain finality and in the meanwhile he retired from service vide order dated 01-06-2016 and he again requested for proforma promotion, which was considered by the committee constituted for the purpose, but his case for proforma promotion was rejected vide order dated 05-12-2017.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant filed Service Appeal No. 87/2012 against amended service rules and the Service Tribunal vide order dated 16-03-2012 restrained the respondents from making further promotion. On 25-12-2015, the appellant filed an application for consideration of his promotion, but the respondents vide letter dated 06-01-2016 regretted his request under the plea that his case was pending before Service

Tribunal, hence his case for promotion was kept pending till decision of the Service Tribunal. The appellant withdraw his service appeal vide order dated 11-01-2016 and again requested through an application dated 13-01-2016 that he had withdrawn his service appeal, hence his case for promotion may be considered now, upon which his case was processed and it was admitted that the appellant stands at Serial No. 1 of the seniority list, as well as posts were also available as per letter dated 09-02-2016 addressed to respondent No. 2. His case was also referred to Establishment department vide letter dated 04-04-2016 and in light thereof, respondent No. 5 was asked to prepare working paper for his promotion. His case was also referred to Law Department for advice and in response, law department asked for certain information, but in the meanwhile, the respondent retired from service, so the respondent No. 2 vide letter dated 31-01-2017 have informed that promotion case of the appellant was not considered due to his retirement. Law department vide letter dated 13-02-2017 advised that case of the appellant may now be processed for his proforma promotion, but his case was regretted by the committee constituted for the purpose vide order dated 05-12-2017 have regretted his promotion due to the reason that service tribunal dismissed the appeal dated 16-01-2017, which however was not appeal of the appellant, rather the appellant had withdrawn his appeal vide order dated 11-01-2016 for the purpose of promotion.

06. We have noted that the appellant was at Serial No. 1 of the seniority list as well as otherwise fit for promotion, but his promotion was delayed due to litigation as well as reckless behavior of the respondents. We have also noted that one Mr. Sarir Muhammad, who was at serial No. 2 of the seniority list was promoted vide order dated 30-05-2017, who was also litigant and who had not withdrawn his case, yet he was promoted but the appellant was discriminated. We are of the considered opinion that the appellant has not been treated in accordance with law and was discriminated.

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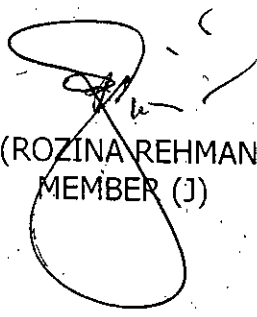
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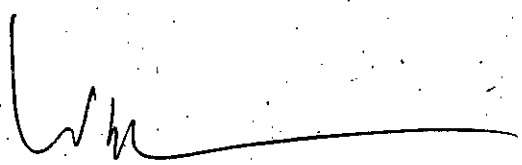
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07. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
21.10.2021



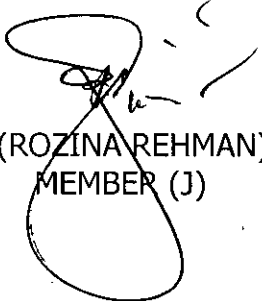
(ROZINA REHMAN)
MEMBER (J)




(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

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ANNOUNCED
21.10.2021



(ROZINA REHMAN)
MEMBER (J)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

21.10.2021


Counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

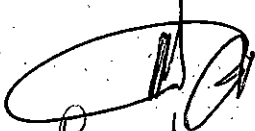
21.10.2021


(ROZINA REHMAN)
MEMBER (J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

31.03.2021


Due to non-availability of concerned
D.B, The case is adjourned to 01.07.2021
for the same as before.



Reader

01.07.2021

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 21.10.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

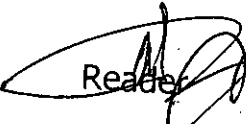
29.06.2020

Due to COVID-19, the case is adjourned to 24.08.2020 for the same.


Reader

24.08.2020

Due to summer vacation case to come up for the same on 03.11.2020 before D.B.


Reader

03.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 11.1.2021 for hearing before the D.B.


(Mian Muhammad)
Member


Chairman

11.01.2021

Counsel for the appellant present. Asst: AG for respondents present. Due to pandemic of Covid-19, the case is adjourned to 31.03.2021 for the same.


Reader

20.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Shakeel, Senior Clerk for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 03.01.2020 for arguments before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

03.01.2020


Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

27-2-20

The learned members is on tour therefore case is adjourned to 2-4-2020.


Reader


2.4.2020

Due to public holiday on account of (COVID 19) the case is adjourned. To come up for same on 29.6.2020.



25.06.2019

Appellant in person and Addl: AG alongwith Mr. Muhammad Shamim, SO for respondent no. 4 present. Written reply on behalf of respondents no. 2 and 5 has already been submitted while representative of respondent no.4 rely on the same. Notices be issued to the respondents no. 1 and 3 for submission of written reply/comments by way of last chance. Case to come up for written reply/comments of respondents no 1 and 3 on 20.08.2019 before S.B.


(Ahmad Hassan)
Member

20.08.2019

Appellant in person and Mr. Muhammad Riaz Khan Painsakhel, Assistant AG alongwith Naqibullah, Stenographer and Muhammad Shamim, SO for the respondents present.

Representative of respondents No. 3 and 4 state that the said respondents rely on the written reply already submitted by respondents No. 2 and 5. The appeal is assigned to D.B for arguments on 08.10.2019.


Chairman

08.10.2019

Appellant with junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 20.11.2019 before D.B.

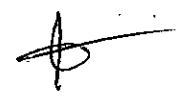

Member


Member

18.02.2019 Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Miss Yasmeen Deputy Director present. Written reply not submitted on behalf of respondents No.1, 3 and 4. Representative of respondents No.1, 3 and 4 requested for time to furnish written reply/comments. Granted by way of last chance. To come up for written reply/comments on 04.04.2019 before S.B.


Member

04.04.2019 Appellant in person and Addl: AG for respondents. Due to general strike of the bar the case is adjourned. Case to come up for further proceedings on 07.05.2019 before S.B.



(Ahmad Hassan)
Member

07.05.2019 Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Abdul Sattar, Superintendent for respondents No. 2 & 5 present. Written reply on behalf of respondents No. 2 & 5 already submitted. None present on behalf of respondents No. 1, 3 & 4 therefore, notice be issued to respondents No. 1, 3 & 4 with the direction to direct the representative to attend the court and submit written reply on the next date by way of last chance. Adjourned. To come up for written reply/comments on behalf of respondents No. 1, 3 & 4 on 25.06.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

02.10.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Miss. Yasmeen, Deputy Director for the respondents present. Written reply not submitted. Learned Additional AG: requested for adjournment. Adjourned. To come up for written reply/comments on 19.11.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

19.11.2018


Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the respondent-department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. Case to come up for written reply/comments on 08.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

08.1.2019

Appellant in person and Hafizur Rahman, Assistant for respondents No. 2 and 5 alongwith Addl. AG present.

Written reply/comments have been filed on behalf of respondents No. 2 and 5. Respondents No. 1, 3 and 4 shall be repeated notices for attendance and submission of comments on 18.02.2019 before S.B.

Chairman 

8/8/2018

Counsel for the appellant Sarzamin Khan

present. Preliminary arguments heard. It was contended that appellant was serving in Information Department Assistant BPS-16. It was further contended that the post of Superintendent/Administrative Officer was vacant since 31/12/2013 as reveal from seniority list dated 31/12/2013. It was further contended that the appellant was eligible for promotion to the post of Superintendent/Administrative Officer, but the appellant was ignored, while junior to the appellant Mr. Sarir Ahmad, Assistant BPS-16 was promoted to the post of Administrative Officer BPS-17. Against which he filed departmental appeal, which was not responded. Hence the present appeal. It was further contended that the appellant has been retired from service and eligible for proforma promotion.

Points urged at bar need consideration. The appeal is admitted. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments on 2/10/2018 before SB.


(Muhammad Amin Khan Kundi)
MEMBER

Appellant Deposited
Security Process Fee

13.07.2018




Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 08.08.2018 before S.B.


(Muhammad Amin Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 621/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/05/2018	<p>The appeal of Mr. Sarzamin Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15/05/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/05/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
29.05.2018		<p>Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 13.07.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

The appeal of Mr. Sarzamin Khan Assistant Directorate of information Department received today by i.e. on 17.04.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexure-L of the appeal is incomplete which may be completed.

No. 823 /S.T,

Dt. 19/4 /2018.


REGISTRAR 19/4/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

*All objections have been removed,
hence re-submitted today 4/5/2018.*

19/4/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 621 /2018

SARZAMIN KHAN

VS

GOVT: OF KPK

INDEX

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5.	Application	F	16.
6.	Order sheet	G	17.
7.	Relevant record	H	18- 34.
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9.	Retirement order	J	39.
10.	Impugned order	K	40- 42.
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12.	Vakalat nama	44.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 621 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 579

Dated 17/4/2018

Mr. Sarzamin Khan, Assistant (BPS-16) (Rtd:),
Directorate of Information Department,
Khyber Pakhtunkhwa, Peshawar.....

APPELLANT

VERSUS

- 1- The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Information and Public Relations, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- ✓ 4- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director General Information Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED DECISION DATED 05.12.2017 WHEREBY THE APPELLANT WAS NOT CONSIDERED FOR PRO-FORMA PROMOTION TO THE POST OF ADMINISTRATIVE OFFICER/SUPERINTENDENT (BPS-17) W.E.F.31.12.2013 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYERS:

That on acceptance of this appeal the decision dated 5/12/2017 may graciously be set aside and the appellant may kindly be considered for pro-forma promotion to the post of Administrative Officer/Superintendent (BPS-17) w.e.f.31.12.2013 with all back benefits. Any other remedy which this august Tribunal deem fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That the appellant was initially appointed as Junior Clerk in the respondent Department in the year 1977. That during service the

Filed to-day
Registrar
17/4/18

Re-submitted to-day
and filed.

Registrar
8/5/18

appellant was promoted to the posts of senior Clerk and then to Assistant (BPS-16).

- 2- That right from appointment till retirement on superannuation basis the appellant had served the respondent quite efficiently and up to the entire satisfaction of his superiors.
- 3- That the appellant remain on top of the seniority lists of Assistant (BPS-16) issued/circulated on 31.12.2013, 30.9.2013 and 31.3.2016 respectively and was eligible for promotion to the post of Superintendent/Admin: Officer (BPS-17) w.e.f 31.12.2013 but in spite eligibility and seniority the appellant was ignored from promotion in spite of the fact that the post of Admn: officer/Superintendent was vacant since 31.12.2013. Copies of the seniority lists and application are attached as annexure..... **A, B, C & D.**
- 4- That on the said application of the appellant the respondent No.5 issued letter to appellant vide dated 6.1.2016 with the observation that the service appeal No.87/2012 of the appellant is pending before this august Tribunal, therefore they cannot promoted the appellant to the next scale. That in response the appellant withdrawn his service appeal vide judgment/decision dated 11.1.2016 and informed the respondents accordingly vide letter dated 13.1.2016. That where after several correspondence were made by the appellant with the respondents but of no avail. Copies of the letter dated 6.1.2016, application, decision sheet dated 11.1.2016 and other relevant record/correspondence are attached as annexure..... **E, F, G and H.**
- 5- That finally after the retirement dated 3.5.2016 of the appellant the respondents constituted standing committee for the issue of the appellant and finally vide impugned decision of the committee dated 5.12.2017 the case of the appellant for promotion was regretted by the said committee. That appellant feeling aggrieved from the impugned decision dated 05.12.2017 preferred Departmental appeal before the appellate authority on 18.12.2017 but no reply has been received so far. Copies of the record, retirement order, impugned decision of the committee and departmental appeal are attached as annexure **I, J, K and L.**
- 6- That feeling aggrieved and having no other remedy the appellant filed the instant appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned decision dated 05/12/2017 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned decision dated 05/12/2017 has been issued on the basis of mala fide and arbitrary intentions and as such the same is violative of the principle of natural justice.
- D- That the respondents acted in arbitrary and malafide manner by not allowing/ granting proforma promotion to appellant to the post of Superintendent/Admn: officer (BPS-17) despite the fact that he was on the top of the seniority lists and is eligible for proforma promotion according to service rules.
- E- That the impugned decision dated 05.12.2017 is violative of Civil Servant Act 1973 read with appointment, promotion and transfer Rules 1989.
- F- That as per Rules and regulation the appellant is entitle for proforma promotion to the post of admn: Officer/ Superintendent (BPS-17) with all consequential benefits.
- G- That appellant seeks permission to advance other 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.

Dated: 12.4.2018

APPELLANT

Sarzanee
SARZAMIN KHAN

THOROUGH:

N
NOOR MOHAMMAD KHATTAK

M
**MUHAMMAD MAAZ MADNI
ADVOCATES**

A-4

TENTATIVE SENIORITY LIST OF MINISTERIAL ESTABLISHMENT STAFF OF THE DIRECTORATE OF INFORMATION INCLUDING REGIONAL INFORMATION OFFICES ON 31.12.2013

S. N O.	NAME OF GOVT. SERVANT/QUALIFICATION	DATE OF BIRTH	DATE OF ENTRY INTO GOVT. SERVICE.	DATE OF CONTINUOUS APPOINTMENT IN THE PRESENT GRADE.	DATE OF SUPERANNUATION (60) YEARS	PLACE OF DUTY/HOME DISTRICT.
1.	2	3	4	5	6	7
ADMINISTRATIVE OFFICER (BPS-16)/ SUPERINTENDENT (BPS-16)						
1.	Mr. Muhammad Yousaf, Administrative Officer. (Matric)	10.3.1957	1.11.1978	25.11.2009	9.3.2017	Peshawar/DIKhan.
1.	Mr. Sardar Ali, Superintendent	15.5.1960	24.6.1982	22.9.2011	14.5.2020	FM Peshawar/Swat.
2.	Mr. Muhammad Iqbal, Superintendent. (M.A. Urdu)	2.9.1969	16.5.1991	22.9.2011	01.9.2029	Peshawar/Peshawar.
3.	Mr. Wasif Ullah, Superintendent.	13.2.1958	27.11.1978	22.9.2011	12.2.2018	Peshawar/Peshawar
4.	Mr. Mahboob Ali, Superintendent. (M.A Islamiyat)	15.10.1955	29.1.1977	22.9.2011	14.10.2015	Peshawar/Peshawar
5.	Vacant					Peshawar
SENIOR SCALE STENOGRAPHER (BPS-16)						
1.	Mr. Abdul Sattar, B.A (English) Senior Scale Stenographer	1.2.1960	1.4.1981	20.12.2011	31.1.2020	Peshawar/Karak
2.	Mr. Altaful-Haq, D.Com (English) Senior Scale Stenographer	1.8.1959	1.9.1983	20.12.2011	31.7.2019	FM Peshawar/Peshawar.
3.	Mr. Jafar Khan, F.A (English) Stenographer	10.5.1959	3.9.1983	20.12.2011	9.5.2019	Peshawar/Peshawar
ASSISTANT (BPS-14)						
1.	Mr. Sarzamin Khan, B.A	2.6.1956	7.2.1977	17.5.1994	1.6.2016	Peshawar/Nowshera.
2.	Mr. Sarir Muhammad, B.A	2.1.1962	24.11.1981	1.6.1994	1.1.2022	Peshawar/Charsadda.

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3.	Mr. Umarzada, Matric	20.12.1957	23.6.1982	30.11.2000	19.12.2017	Malakand/ Malakand
4.	Mr. Nawab Ali, Matric	18.11.1964	1.9.1982	20.9.2001	17.11.2024	Peshawar/Charsadda
5.	Mr. Abdul Waheed, F.A	15.4.1964	3.6.1985	20.9.2001	14.4.2024	DIKhan/DIKhan
6.	Mr. Farman Ali, Matric	26.2.1963	1.1.1983	10.2.2004	25.2.2023	Peshawar/Malakand
7.	Mr. Maqsood Khan, Matric	1.12.1963	5.8.1984	10.2.2004	30.11.2023	Peshawar/Peshawar
8.	Mr. Shabir Ahmed, Matric	8.7.1961	1.12.1982	1.3.2007	7.7.2021	Peshawar/Peshawar
9.	Mr. Ayaz Khan, B.A	10.10.1965	17.12.1987	17.5.2008	9.10.2025	Peshawar/Nowshera
10.	Mr. Murad Ullah, F.A	27.1.1968	08.7.1987	16.5.2001	26.1.2028	Peshawar/Charsadda (Merged from the O/G PRO to Governor KPK on his request/welling w.e.f 29.1.2014)
11.	Mr. Muhammad Shoaib, B.A	11.2.1965	6.12.1988	26.1.2009	10.2.2025	Kohat/FM Mardan
12.	Mr. Sardar Hamid Roghani	15.4.1981	23.4.2009 (D.G. Mines and Minerals as J/C)	06.9.2010	14.4.2041	Mardan/Dir
13.	Mr. Muhammad Nawaz, F.A	2.11.1970	1.7.1990	31.12.2011	1.11.2030	Peshawar/ F.R. Kohat
14.	Mr. Said Ali Shah, Matric	2.4.1972	3.2.1991	31.12.2011	1.4.2032	Bannu/ Karak.
15.	Mr. Naseeb-ur-Rehman, B.A	5.5.1968	2.11.1991	18.10.2012	4.5.2028	Peshawar/Karak (Working on Federal Govt. seat).
16.	Mr. Khan Gul,	4.5.1965	1.11.1988	00.0.2013	3.5.2025	Abbottabad/Abbottabad
17.	Syed Anwar, Master of Public Administration (MPA)	03.4.1983	06.12.2013	06.12.2013	02.4.2043	Peshawar/N.W. Agency
18.	Mr. Muhammad Zia-Ul-Islam, MCS, B.Ed.	01.9.1986	10.12.2013	10.12.2013	31.08.2046	Swat/Swat
19.	Mian Muhammad Ashraf, B.Sc. B.Ed.	15.4.1985	10.12.2013	10.12.2013	14.4.2045	Peshawar/Mansehra
20.	Vacant					Peshawar
21.	Vacant					Peshawar
22.	Vacant					FM Radio Mardan
STENOGRAPHER ENGLISH/URDU (BPS-14)						
1.	Mr. Arif Khan, D.Com English)	2.2.1959	9.4.1983	24.1.1989 (SCB-15)	1.2.2019	Abbottabad/A.Abad.
2.	Mr. Abdul Qayyum, F.A (English)	1.1.1959	8.6.1981	1.6.1991 (SCB-15)	31.12.2019	Peshawar/Peshawar

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SC 55
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22.	Mr. Bilal Khan	8.4.1985	2.3.2012	2.3.2012	7.4.2045	FM Peshawar/Nowshwra
23.	Mr. Mir Baz Ahmad	15.12.1981	2.3.2012	2.3.2012	14.12.2041	FM Peshawar/Nowshera
24.	Mian Shah Khalid	12.3.1980	2.3.2012	2.3.2012	11.3.2040	FM Peshawar/Nowshera
25.	Mr. Mansoor Ali		7.3.2012	7.3.2012		Peshawar/Karak
26.	Mr. Muhammad Ayaz	13.4.1990	14.12.2012	14.12.2012	12.4.2050	FM Mardan
27.	Mr. Sohail Gulyar	10.6.1993	21.01.2013	21.01.2013	09.6.2053	Swat/Swat
28.	Vacant					Islamabad
MALI (BS-1)						
1.	Mr. Habibur Rehman.	1.1.1983	15.9.2007	15.9.2007	31.12.2042	Peshawar/Peshawar
SWEEPER (BS-1)						
1.	Mr. Riaz Masih	01.7.1965	2.1.1993	2.1.1993	30.6.2025	Peshawar/Peshawar.
2.	Mr. Shaukat Naveed	24.12.1975	16.2.2012	16.2.2012	23.12.2035	FM Peshawar/ Peshawar
3.	Mr. John Masih	11.11.1980	17.9.2012	17.9.2012	10.11.2040	Peshawar/Peshawar.
4.	Mr. Hamid Ali	31.3.1983	14.12.2012	14.12.2012	30.3.2043	FM Mardan/Mardan
5.	Vacant					Islamabad

Man
ASSISTANT DIRECTOR (ADMN)
DIRECTORATE OF INFORMATION,
GOVT: OF KHYBER PAKHTUNKHWA, PESHAWAR.
Dated Peshawar, the 27/2/2014

Endst: No.INF/Estt:/1-40/ 920-22

Copy to:-

1. All Regional Information Officers, with the request to circulate the seniority list amongst the staff working in their office and in case of any objection the same may be submitted to this Directorate within 15 days of the issue of this notification.
2. All concerned officials to please check their seniority and if have any objection should be submitted within 15 days of the issue of this notification.
3. File No. 1/40.

ATTESTED
Q

Man
ASSISTANT DIRECTOR (ADMN)
DIRECTORATE OF INFORMATION,
GOVT: OF KHYBER PAKHTUNKHWA, PESHAWAR.

B-7

FINAL SENIORITY LIST OF MINISTERIAL ESTABLISHMENT STAFF OF THE DIRECTORATE OF INFORMATION INCLUDING REGIONAL INFORMATION OFFICES AND PAKHTUNKHWA FM RADIOS ON 30.09.2015

S.NO.	NAME OF GOVT. SERVANT/QUALIFICATION	DATE OF BIRTH	DATE OF ENTRY INTO GOVT. SERVICE	DATE OF CONTINUOUS APPOINTMENT IN THE PRESENT GRADE	DATE OF SUPERANNUATION (60) YEARS	PLACE OF DUTY/HOME DISTRICT
1.	2	3	4	5	6	7
SUPERINTENDENT(BS-17)						
1.	Mr. Sardar, Superintendent (B.A)	15.5.1960	24.6.1982	22.9.2011	14.5.2020	FM Peshawar/Swat.
2.	Mr. Muhammad Iqbal, Superintendent (MA Urdu)	2.9.1969	16.5.1991	22.9.2011	01.9.2029	Peshawar/Peshawar.
3.	Mr. Wasif Ullah, Superintendent (Matic)	13.2.1958	27.11.1978	22.9.2011	12.2.2018	Peshawar/Peshawar
4.	Mr. Mahboob Ali, Superintendent (MA Islamiyat)	15.10.1955	29.1.1977	22.9.2011	14.10.2015	Peshawar/Peshawar
5.	Vacant					Peshawar
ADMINISTRATIVE OFFICER (BS-16)						
1.	Vacant					Peshawar
SENIOR SCALE STENOGRAPHER (BS-16)						
1.	Mr. Abdul Sattar, B.A (English) Senior Scale Stenographer	1.2.1960	1.4.1981	20.12.2011	31.1.2020	Peshawar/Karak
2.	Mr. Altaful-Haq, D.Com (English) Senior Scale Stenographer	1.8.1959	1.9.1983	20.12.2011	31.7.2019	FM Peshawar/Peshawar.
3.	Mr. Jafar Khan, F.A (English) Stenographer	10.5.1959	3.9.1983	20.12.2011	9.5.2019	Peshawar/Peshawar

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ASSISTANT (BS-16)						
1.	Mr. Sarzamin Khan, B.A	2.6.1956	7.2.1977	17.5.1994	1.6.2016	Peshawar/Nowshera.
2.	Mr. Sarir Muhammad, B.A	2.1.1962	24.11.1981	1.6.1994	1.1.2022	Peshawar/Charsadda.
3.	Mr. Umarzada, Matric	20.12.1957	23.6.1982	30.11.2000	19.12.2017	Malakand/ Malakand
4.	Mr. Nawab Ali, Matric	18.11.1964	1.9.1982	20.9.2001	17.11.2024	Peshawar/Charsadda
5.	Mr. Abdul Waheed, F.A	15.4.1964	3.6.1985	20.9.2001	14.4.2024	DIKhan/DIKhan
6.	Mr. Farman Ali, Matric	26.2.1963	1.1.1983	10.2.2004	25.2.2023	Peshawar/Malakand
7.	Mr. Maqsood Khan, Matric	1.12.1963	5.8.1984	10.2.2004	30.11.2023	PRIO, Islamabad/Peshawar
8.	Mr. Shabir Ahmed, Matric	8.7.1961	1.12.1982	1.3.2007	7.7.2021	Peshawar/Peshawar
9.	Mr. Ayaz Khan, B.A	10.10.1965	17.12.1987	17.5.2008	9.10.2025	Peshawar/Nowshera
10.	Mr. Muhammad Shoaib, B.A	11.2.1965	6.12.1988	26.1.2009	10.2.2025	Kohat/Kohat
11.	Mr. Sardar Hamid Roghani, MA Journalism & Mass Communication	15.4.1981	23.4.2009 (D.G. Mines and Minerals as J/C)	06.9.2010	14.4.2041	Mardan/Lower Dir
12.	Mr. Muhammad Nawaz, F.A	2.11.1970	1.7.1990	31.12.2011	1.11.2030	Peshawar/ F.R. Kohat
13.	Mr. Said Ali Shah, Matric	2.4.1972	3.2.1991	31.12.2011	1.4.2032	Bannu/ Karak.
14.	Mr. Khan Gul, F.A	4.5.1965	1.11.1988	00.0.2013	3.5.2025	Abbottabad/Abbottabad
15.	Syed Anwar, Master in Public Administration (MPA)	03.4.1983	06.12.2013	06.12.2013	02.4.2043	Peshawar/N.W. Agency
16.	Mr. Muhammad Zia-Ul-Islam, MCS, B.Ed. M.Ed.	01.9.1986	10.12.2013	10.12.2013	31.08.2046	Swat/Swat
17.	Mian Muhammad Ashraf, B.Sc. B.Ed.	15.4.1985	10.12.2013	10.12.2013	14.4.2045	Peshawar/Mansehra (Posted in Sports Directorate in the wake of rightsizing of the Directorate of Information and is yet to resume duty in Peshawar)
18.	Vacant					Peshawar
19.	Vacant					Federal Govt. Seat
20.	Vacant					Peshawar

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3.	Mr. Hamid Ali	31.3.1983	14.12.2012	14.12.2012	30.3.2043	FM Mardan/Mardan
4.	Mr. Shakeel Bashir Masih	30.6.1980	16.5.2013	16.5.2013	29.6.2040	Islamabad/Islamabad
5.	Vacant					Peshawar

(9)

Sd/-
DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA
Dated Peshawar, the 20/11/2015

Endst: No.INF/Estt:/1-40/

5297-5300

- Copy to:-
1. All Regional Information Officers.
 2. All concerned officials.
 3. File No. 1/40.

Man
ASSISTANT DIRECTOR (ADMN)
DIRECTORATE OF INFORMATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

ATTESTED
[Signature]

C-10

FINAL SENIORITY LIST OF MINISTERIAL ESTABLISHMENT STAFF OF THE DIRECTORATE OF INFORMATION INCLUDING REGIONAL INFORMATION OFFICES AND PAKHTUNKHWA FM RADIOS
ON 31.03.2016

Sl. NO:	NAME OF GOVT: SERVANT/QUALIFICATION	DATE OF BIRTH	DATE OF ENTRY INTO GOVT: SERVICE	DATE OF CONTINUOUS APPOINTMENT IN THE PRESENT GRADE	DATE OF SUPERANNUATION (60) YEARS	PLACE OF DUTY/HOME DISTRICT
1.	2.	3.	4.	5.	6.	7.
SUPERINTENDENT (BS-17)						
1.	Mr. Sardar, Superintendent (B.A)	15.5.1960	24.6.1982	22.9.2011	14.5.2020	FM Peshawar/Swat.
2.	Mr. Muhammad Iqbal, Superintendent (MA Urdu)	2.9.1969	16.5.1991	22.9.2011	01.9.2029	Peshawar/Peshawar.
3.	Mr. Wasif Ullah, Superintendent (Matric)	13.2.1958	27.11.1978	22.9.2011	12.2.2018	Peshawar/Peshawar
4.	Vacant					Peshawar
5.	Vacant					Peshawar
ADMINISTRATIVE OFFICER (BS-16)						
1.	Vacant					Peshawar
SENIOR SCALE STENOGRAPHER (BS-16)						
1.	Mr. Abdul Sattar, B.A (English) Senior Scale Stenographer	1.2.1960	1.4.1981	20.12.2011	31.1.2020	Peshawar/Karak
2.	Mr. Altaful-Haq, D.Com (English) Senior Scale Stenographer	1.8.1959	1.9.1983	20.12.2011	31.7.2019	FM Peshawar/Peshawar.
3.	Mr. Jafar Khan, F.A (English) Stenographer	10.5.1959	3.9.1983	20.12.2011	9.5.2019	Peshawar/Peshawar


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ASSISTANT (BS-16)						
1.	Mr. Sarzamin Khan, B.A	2.6.1956	7.2.1977	17.5.1994	1.6.2016	Peshawar/Nowshera.
2.	Mr. Sarir Muhammad, B.A	2.1.1962	24.11.1981	1.6.1994	1.1.2022	Peshawar/Charsadda
3.	Mr. Umarzada, Matric	20.12.1957	23.6.1982	30.11.2000	19.12.2017	Malakand/ Malakand
4.	Mr. Nawab Ali, Matric	18.11.1964	1.9.1982	20.9.2001	17.11.2024	Peshawar/Charsadda
5.	Mr. Abdul Waheed, F.A	15.4.1964	3.6.1985	20.9.2001	14.4.2024	DIKhan/DIKhan
6.	Mr. Farman Ali, Matric	26.2.1963	1.1.1983	10.2.2004	25.2.2023	Peshawar/Malakand
7.	Mr. Maqsood Khan, Matric	1.12.1963	5.8.1984	10.2.2004	30.11.2023	PRIO, Islamabad/Peshawar
8.	Mr. Shabir Ahmed, Matric	8.7.1961	1.12.1982	1.3.2007	7.7.2021	Peshawar/Peshawar
9.	Mr. Ayaz Khan, B.A	10.10.1965	17.12.1987	17.5.2008	9.10.2025	Peshawar/Nowshera
10.	Mr. Muhammad Shoaib, B.A	11.2.1965	6.12.1988	26.1.2009	10.2.2025	Kohat/Kohat
11.	Mr. Sardar Hamid Roghani, MA Journalism & Mass Communication	15.4.1981	23.4.2009 (D.G. Mines and Minerals as J/C)	06.9.2010	14.4.2041	Mardan/Lower Dir
12.	Mr. Muhammad Nawaz, F.A	2.11.1970	1.7.1990	31.12.2011	1.11.2030	Peshawar/ F.R. Kohat
13.	Mr. Said Ali Shah, Matric	2.4.1972	3.2.1991	31.12.2011	1.4.2032	Bannu/ Karak.
14.	Mr. Khan Gul, F.A	4.5.1965	1.11.1988	00.0.2013	3.5.2025	Abbottabad/Abbottabad
15.	Syed Anwar, Master in Public Administration (MPA)	03.4.1983	06.12.2013	06.12.2013	02.4.2043	Peshawar/N.W. Agency
16.	Mr. Muhammad Zia-Ul-Islam, MCS, B.Ed. M.Ed.	01.9.1986	10.12.2013	10.12.2013	31.08.2046	Peshawar/Swat
17.	Mian Muhammad Ashraf, B.Sc. B.Ed.	15.4.1985	10.12.2013	10.12.2013	14.4.2045	Peshawar/Mansehra (Posted in Sports Directorate in the wake of rightsizing of the Directorate of Information and is yet to resume duty in Peshawar)
18.	Mr. Imtiaz Ahmed, Matric.	10.2.1967	1.3.1988	10.12.2015	9.2.2027	Peshawar/Peshawar
19.	Vacant					Peshawar
20.	Vacant					Peshawar
21.	Vacant					Peshawar

ATTESTED



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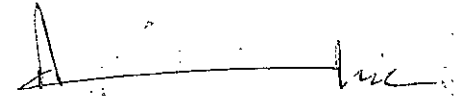
25.	Mr. Sohail Gulyar	10.6.1993	21.01.2013	21.01.2013	09.6.2053	Swat/Swat
MALI (BS-03)						
1.	Mr. Habibur Rehman.	1.1.1983	15.9.2007	15.9.2007	31.12.2042	Peshawar/Peshawar
SWEEPER (BS-03)						
1.	Mr. Shaukat Naveed	24.12.1975	16.2.2012	16.2.2012	23.12.2035	FM Peshawar/ Peshawar
2.	Mr. John Masih	11.11.1980	17.9.2012	17.9.2012	10.11.2040	Peshawar/Peshawar.
3.	Mr. Hamid Ali, F.A	31.3.1983	14.12.2012	14.12.2012	30.3.2043	FM Mardan/Mardan
4.	Mr. Shahbaz Masih	1987	06.11.2015	06.11.2015	01.07.2047	Peshawar/Peshawar
5.	Vacant					Islamabad

Endst: No.INF/Estt:/1-40/ 1688

Copy to:-

1. All Regional Information Officers, RIO, Abbottabad, Bannu, D.I.Khan, Kohat, Mardan, Malakand, Swat and PRIO Islamabad.
2. All concerned officials.
3. File No. 1/40.

Sd/-
DIRECTOR INFORMATION
KHYBER PAKHTUNKHWA
Dated Peshawar, the 19/4/2016


ASSISTANT DIRECTOR (ADMN)
DIRECTORATE OF INFORMATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

ATTESTED


(Service Rules)

13

	Administrative Officer/ Superintendent (BPS-16).		By promotion, on the basis of seniority-cum-fitness, in the following manner amongst- (a) sixty per cent from amongst the Assistants with five years service as such; and (b) forty per cent from amongst the Senior Scale Stenographers with five years service as such or ten years total service as a Senior Scale Stenographer and Stenographer (English/Urdu). <u>Note:</u> For the purpose of promotion, separate seniority list of the Assistants and the Senior Scale Stenographers shall be maintained on the basis of their continuous appointment to the respective posts.
10.	Film Production Officer (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst the Cameramen with seven years service as such.
11.	Pictorial Publicity Officer (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst the Photographer-cum-Cameraman with at least five years service as such.

ATTESTED

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D-14
8

To

The Director Information,
Government of Khyber Pakhtunkhwa, Peshawar.

Subject: - PROMOTION TO THE POST OF SUPERINTENDENT.

Sir,

I have the honor to state that after attaining the age of superannuation I will be retiring from service from 1-06-2016 (Inshallah).

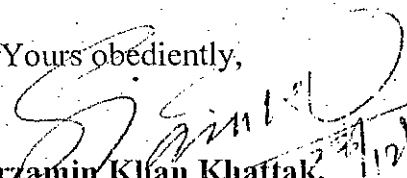
I am the senior most Assistant and on top of the seniority list for the post of Superintendent and at present 3-posts are lying vacant. I have already been applied before this, but no action has been taken so far.

Therefore, it is requested that kindly sympathetically consider my application and process the promotion case on priority basis:

Thanks

20/12/2015
23/12/15
atx

Yours obediently,


Sarzamin Khan Khattak,
Assistant,
Directorate of Information,
Khyber Pakhtunkhwa, Pesh:
23/12/15

ATTESTED





**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt./PF/ 68
Dated Peshawar, the 06/01/2016

(1)

E

(15)

To

Mr. Sarzamin Khan, Assistant
Directorate of Information,
Khyber Pakhtunkhwa, Peshawar

Subject:- **PROMOTION TO THE POST OF SUPERINTENDENT.**

Reference your application No.nil dated 23.12.2015 on the subject noted above and to state that the case of Service Rules of the Directorate of Information for the post of superintendent is under trial in Service Tribunal, Peshawar. The department cannot take the action on the case till the Service Tribunal's verdict. Therefore, your request is regretted, please.

**ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR**

ATTESTED

F-16

The Director Information,
Government of Khyber Pakhtunkhwa, Peshawar.

Subject: - PROMOTION TO THE POST OF SUPERINTENDENT.

Sir,

Reference your letter No. INF/Estt/PF/68, dated 06-01-2016, I have the honor to state, that I have been withdrawn my appeal in Service Tribunal Peshawar (Copy Attached):

Therefore, it is requested that now my promotion case may kindly be processed on priority basis.

13/1/16

Diary No. 3351
Date 14-01-16
Directorate of Information
Khyber Pakhtunkhwa Peshawar

Your subscriber
Sarzamin Khan Khattak
Assistant
13/1/16

ADA
For appropriate reply

81
14/1

SRE
ATTESTED
14/1/16

Official stamp area with text: "Official stamp area to be restored."

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

G-17
A. V. J. Durrani
Secretary
13/11/2012



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 87 /2012

A. V. J. Durrani
Secretary
13/11/2012

Sarzamin khan, Assistant (BPS-14) Information Department
Khyber Pakhtunkhwa Peshawar.
(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Information Department Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa Finance Department Civil Secretariat Peshawar.
4. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar.
5. Director, Information Department Khyber Pakhtunkhwa Peshawar.
6. *Andul Station Stone Grapher - Information Deptt K.P.K. Peshawar*
(Respondent)

*No. 6 included
no response
W/O
dt. 28-6-12
B*

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the notification No. SO (INF) 11(34) S. Rules/Vol-VI 2011 dated 18.8.2011 whereby method of recruitment, qualifications and other conditions were amended and the notification dated 21.9.1993 was amended to the detriment of the accrued rights of promotion of the appellant to the post of Superintendent/ Administrative officer BPS-16, against which the departmental appeal dated 15.9.2011 has not been replied despite the lapse of 90 days

*Filed to-day
13/11/2012*

11.01.2016

ATTESTED

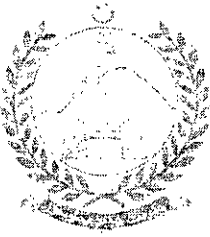
Appellant in person present. He submitted an application wherein he requested for withdrawal of the appeal. File has been requisitioned for to-day and application placed on file. His signature also obtained in the margin of order sheet. Request is accepted and the appeal is dismissed as withdrawn. File be consigned to the record room.

*Confirmed to be true copy
E. J. Durrani
Secretary
Khyber Pakhtunkhwa Service Tribunal*

ANNOUNCED
11.01.2016

*Self
Member*

H-(18) Annex #



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT.

No. SO (INF) 4(116)Estt./2012 Vol: II

Dated Peshawar the 02.02. 2016

To

The Director Information,
Khyber Pakhtunkhwa, Peshawar.

3563

dy-2-16

Subject:-

PROMOTION TO THE POST OF SUPERINTENDENT.

I am directed to refer to your letter No. INF/Estt:/1-59(A)501 dated 27.1.2016 on the subject noted above and to state that it may be kindly be clarified that :-

- i) as to whether all the officials have withdrawn their appeal as per their writ in the Khyber Pakhtunkhwa Service Tribunal Peshawar.
- ii) as to whether the official Mr. Sarzamin Khan, Assistant is the senior most in the seniority list of the cadre.
- iii) as to whether the service rules allow to promote the official who has withdrawn his appeal.

ATTESTED

Section Officer (Information)



DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR

No. INF/Estt:/1-59/ 701
Dated Peshawar the 09/02/2016

Amir

19

To

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

Subject: - PROMOTION TO THE POST OF SUPERINTENDENT

I am directed to refer to your letter i.e. CO(INF)4(116)Estt./2012
Vol:II/1726 dated 02.02.2016 on the subject noted above and the para-wise replies as
under, please.

- i. All the officials have not withdrawn their appeal as per their writ in the
Khyber Pakhtunkhwa Service Tribunal Peshawar except Mr. Sarzamin
Khan Assistant.
- ii. Mr. Sarzamin Khan, Assistant is the senior most amongst the seniority list
of Assistants.
- iii. Three posts are lying vacant (two of Superintendents (BS-17) and one of
Administrative Officer BS-16) According to the existing Service Rules and
seniority list the first two posts of Superintendents (BS-17) will be filled in
amongst the Senior Scale Stenographers while the post of Administrative
Officer (BS-16) will be filled amongst Assistants, whereas Mr. Sarzamin
Khan is senior most.

It is to mention here that the Service Rules of the Directorate of
Information, Khyber Pakhtunkhwa for the promotion of the posts of
Superintendents/Administrative Officer is still subjudice in the court of Khyber
Pakhtunkhwa Service Tribunal, Peshawar amongst the Assistants and Senior Scale
Stenographers.

ATTESTED

09-2-16
ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR



20
J

**GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT.**

No. SO (INF) 4(116) Estt/2012 Vol: II
Dated Peshawar the 10.02.2016 /1787

To

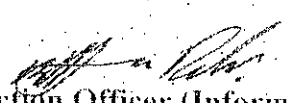
The Director Information,
Khyber Pakhtunkhwa, Peshawar.

Subject

PROMOTION TO THE POST OF SUPERINTENDENT.

Kindly refer to your letter No. INF/Estt/1-59/701 dated 09.02.2016 on the subject noted above and to state that the Directorate of Information accepts that the Service Rules of the Directorate of Information, Khyber for the promotion of the posts of Superintendents/Administrative Officer is still subjudged in the court of Khyber Pakhtunkhwa Service Tribunal, Peshawar then how the promotion case of Mr. Sarzanji Assistant will take place. If the Directorate of Information interested in his promotion then the Directorate may quote rules and submit proper justification.

It will be appropriate that the officials of both the cadres may be advised to withdraw their writ petition from the court then their case for promotion will be considered as per Service Rules.


Section Officer (Information)

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS DEPARTMENT.

21

2134-35

No. SO (INF) 4(116)/2015(Vol: I).

Dated Peshawar the 4th April, 2016

To

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

Subject: **PROMOTION AS SUPERINTENDENT.**

Dear sir,

I am directed to refer to the subject noted above and to state that the Directorate of Information has forwarded the promotion case of Mr. Sarzamin Khan, Assistant (BS-16) vide application dated 20-03-2016(copy enclosed) has requested the Secretary Information & PRs, Govt of Khyber Pakhtunkhwa for promotion to the post of Superintendent (BS-17) lying vacant in the Directorate of Information, Khyber Pakhtunkhwa Peshawar for being the senior-most Assistant.

2. In merits a mention here that the Directorate has as many as 5 sanctioned posts of Superintendents (BS-17) (4 in the HQs office and 1 in Pakhtunkhwa FM Radio Peshawar) as well as one post of Administrative Officer (BS-16) are presently lying vacant, which according to the existing service rules are required to be filled by promotion from amongst the Assistant and Senior Scale Stenographers/Stenographers @60% and 40% respectively. However, the same can't be filled through promotion due to the rift in Assistants and a Senior Scale Stenographer and the case is still subjudiced in the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

3. Now the Current position is that Mr. Sarzamin Khan, the senior most Assistant who is going to retire on 01-06-2016 after attaining the age of superannuation, has withdrawn his appeal (No.87/2012) from the Khyber Pakhtunkhwa Service Tribunal (copy enclosed). But rest of the other appeals filed by Mr. Ifkhar Ahmad, Ex-Assistant, Mr. Sarir Muhammad, Assistant and Mr. Abdul Sattar, Senior Scale Stenographer are still pending for arguments in the tribunal.

ATTESTED

22

4. Mr. Sarzamin Khan, Assistant in the face of his forthcoming retirement on superannuation on 01-06-2016 has been requesting time and again for promotion as Superintendent on sympathetic grounds. He further says that an injunction order made under the Code of Civil Procedure, 1908 cease to have effect on the expiration of six months unless extended by the court.

5. It is, therefore, requested that opinion/advice of the Establishment Department is solicited as to whether this Department can consider the promotion case of the above named official or otherwise.

Yours faithfully,

Section Officer (Information)

Endst: No. & Date as Above.

Copy forwarded to Director Information, Khyber Pakhtunkhwa with reference to his letter No. INF/Estt:1-59/1420 dated 1.4.2016 for information.

Section Officer (Information)

ATTESIED

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RW

Most Immediate

Amir

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GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT.

No. SO (INF) 4(116)Estt:/2015 Vol: I
Dated Peshawar the 25th May, 2016

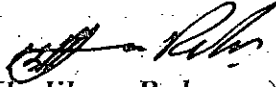
To

The Director Information,
Khyber Pakhtunkhwa, Peshawar.

Subject:-

PROMOTION AS SUPERINTENDENT.

I am directed to enclose herewith a copy of an application (self explanatory) in respect of Mr. Sarzamin Khan Khattak, Assistant working in Directorate of Information, Khyber Pakhtunkhwa with the request that his case for promotion to the post of superintendent may please be examined and processed as per procedure invoge at the earlier please.


(Khalil-ur-Rahman)
Section Officer (Information)

SOA

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ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT.
091-9223527

24

R

No. SO (INF) 4(116)/2015(Vol: I).
Dated Peshawar the 27th May, 2016

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Law, PAs & Human Rights Department, Peshawar.

Subject:

PROMOTION AS SUPERINTENDENT.

Dear Sir,

I am directed to enclose herewith a copy of letter No. SOR-I(E&AD)6-11/2013 dated 24th May, 2016 received from Establishment Department on the subject noted above and to state that the Directorate of information has forwarded the promotion case of Mr. Sarzamin Khan, Assistant (BS-16) vide application dated 20-03-2016 (copy enclosed) has requested the Secretary Information & PRs, Govt of Khyber Pakhtunkhwa for promotion to the post of Superintendent (BS-17) lying vacant in the Directorate of Information, Khyber Pakhtunkhwa Peshawar for being the senior-most Assistant.

2. In merits ^{to} mention here that the Directorate has as many as 5 sanctioned posts of Superintendents (BS-17) (4 in the HQs office and 1 in Pakhtunkhwa FM Radio Peshawar) as well as one post of Administrative Officer (BS-16) are presently lying vacant, which according to the existing service rules are required to be filled by promotion from amongst the Assistant and Senior Scale Stenographers/Stenographers @60% and 40% respectively. However, the same can't be filled through promotion due to the rift in Assistants and a Senior Scale Stenographer and the case is still subjudiced in the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

3. Now the Current position is that Mr. Sarzamin Khan, the senior most Assistant who is going to retire on 01-06-2016 after attaining the age of superannuation, has withdrawn his appeal (No.87/2012) from the Khyber Pakhtunkhwa Service Tribunal (copy enclosed). But rest of the other appeals filed by Mr. Ifkhar Ahmad, Ex-Assistant, Mr. Sarir Muhammad, Assistant and Mr. Abdul Sattar, Senior Scale Stenographer are still pending for arguments in the tribunal.

✓
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ATTESTED

25

4. Mr. Sarzamin Khan, Assistant in the face of his forthcoming retirement on superannuation on 01-06-2016 has been requesting time and again for promotion as Superintendent on sympathetic grounds. He further says that an injunction order made under the Code of Civil Procedure, 1908 cease to have effect on the expiration of six months unless extended by the court.

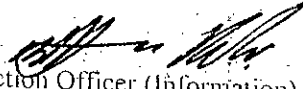
5. It is, therefore, requested that opinion/advice of the Law Department is solicited as to whether this Department can consider the promotion case of the above named official or otherwise.

Yours faithfully,

Section Officer (Information)

Endst:No. & Date as Above.

Copy forwarded to the Director Information, Khyber Pakhtunkhwa for information.


Section Officer (Information)

ATTESTED

26

CS



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION, PUBLIC RELATIONS AND CULTURE
DEPARTMENT, CIVIL SECRETARIAT PESHAWAR


2630-31

No. SO (INF)4(116)/2012 KC,
Dated Peshawar the 3rd June 2016

To
The Director Information,
Khyber Pakhtunkhwa, Peshawar.

Subject:- PROMOTION AS SUPERINTENDENT.


I am directed to refer to the subject noted above and to enclose herewith
copy of letter No. SO(OP-I)LD/5-6/2012-VOL-III/18474-75 dated 31st May, 2016 received
from the Law Department Govt. of Khyber Pakhtunkhwa which is self explanatory for
further necessary action please.


(Khalil-Ur-Rahman)
Section Officer (Information)

Encl: As above.

Encl: of even No & date.

Cop to The Section Officer (OP-I), Law Department w/r to above.


Section Officer (Information)

ATTESTED



27



Government of Khyber Pakhtunkhwa
Law, Parliamentary Affairs &
Human Rights Department

No: SO(OP-I)/LD/5-6/2012-VOL-III/18471-75
Dated: Pesh: the 3/ MAY, 2016

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Information and Public Relation Department.

Subject: PROMOTION AS SUPERINTENDENT.

Dear Sir,

I am directed to refer to your Department's letter
No.SO(INF)4(116)/2015(Vo-I) dated 27-05-2016 on the subject noted above
and to state that the following documents may be provided to this Department

1. Copy of service appeal of Mr. Iftikhar Ahmad alongwith latest position/ order sheets.
2. Copy of service appeal of Mr. Sarir Muhammad alongwith latest position/ order sheets.
3. Copy of service appeal of Mr. Abdul Sattar alongwith latest position/ order sheets.

Yours Faithfully,

Section Officer (Opinion-I)

Endst: of even No. & date.

Copy forwarded to the P.S to Secretary Law, Department.

Section Officer (Opinion-I)

*Send a copy
to Div. Lt. AS
for n.a.*

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02/06
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*2
2/1/16*

Secretary Information & Culture
Diary No 1085 Date 2/16

ATTESTED



Government of Khyber Pakhtunkhwa
Law, Parliamentary Affairs &
Human Rights Department

No. SO(OP-I)/LD/5-6/2012-VOL-III/12471-75
Dated: Pesh: the 3/ MAY, 2016

28

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Information and Public Relation Department.

Subject:

PROMOTION AS SUPERINTENDENT.

Dear Sir,

I am directed to refer to your Department's letter
No.SO(INF)4(116)/2015(Vo-I) dated 27-05-2016 on the subject noted above
and to state that the following documents may be provided to this Department

1. Copy of service appeal of Mr. Iftikhar Ahmad alongwith latest position/ order sheets.
2. Copy of service appeal of Mr. Sarir Muhammad alongwith latest position/ order sheets.
3. Copy of service appeal of Mr. Abdul Sattar alongwith latest position/ order sheets

Yours Faithfully,

Section Officer (Opinion-I)

Endst: of even No. & date.

Copy forwarded to the P.S to Secretary Law, Department.

Section Officer (Opinion-I)

Send a copy
to Div. Inf: AS
for n.a.

2
2/1/16

mm
02/06
50 (amb)

Secretary Information & Culture
Diary No. 1085 Date 2/6

ATTESTED

184

Amir

29

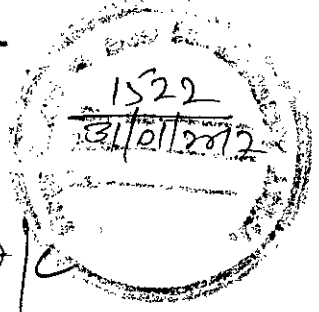


GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS DEPARTMENT

No. SO (INF)4(116)/2015/Vol:1
Dated Peshawar the 31st January, 2017.

To

The Section Officer (Opinion-I),
Law, Parliamentary Affairs & Human Rights Department,
Govt. of Khyber Pakhtunkhwa.



Subject:- PROMOTION AS SUPERINTENDENT.

See Dup^o
No-22/c

Dear Sir,

I am directed to refer to your letter No. SO(OP-I)LD/5-6/2012-VOL-III/18471-75 dated 31st May, 2016 on the subject noted above and to enclose herewith the requisite information/documents as desired.

It is further added that as per *sub-para (a) (i) of Para-V of the Promotion Policy, 2009*, his inter-se-seniority is disputed/sub-judice. Further as per Par-VI of the *ibid* policy promotion will always be notified with immediate effect.

As the Law Department asked the information on 31st May, 2016 and the concerned official retired from service on superannuation on 1st June, 2016 and the service rules of the cadre is sub-judice in the court of Service Tribunal Khyber Pakhtunkhwa, therefore, his promotion case did not consider due to his retirement.

Yours faithfully,

Section Officer (Information)

Endst: of even No. & date

AS(OPI) Copy is forwarded to the Director Information, Khyber Pakhtunkhwa for information.

Section Officer (Information)

31/1/17

So (OP-I)
OP No-80
1-2-2017
01/2

ATTESTED

PA to AS(OPI), Law Department
Dispatch No. 137
Dated 31-01-2017



Government of Khyber Pakhtunkhwa
Law, Parliamentary Affairs &
Human Rights Department

No. SO(OP-I)/LD/5-6/2012-VOL-III
Dated: Pesh: the 13 FEB, 2017

36

Amir

21

1443-44

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Information and Public Relation Department.

Subject: PROMOTION AS SUPERINTENDENT.

Dear Sir,

I am directed to refer to your Department's letter No.SO(INF)4(116)/2015(Vo-I) dated 31-01-2017 on the subject noted above and to state that after the end of litigation mentioned in the letter under reference, the Administrative Department may process the case, in concurrence, with the Establishment Department for his proforma promotion, if he was otherwise eligible for promotion.

Yours Faithfully,

Section Officer (Opinion-I)

Endst: of even No. & date.

Copy forwarded to the P.S to Secretary Law, Department.

o/c Section Officer (Opinion-I)

ATTESTED



A. M. U. C. B.

(31)

**DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR**

No. INF/Estt:/1-59/ 2589
Dated Peshawar the 11/14/2017

To

The Section Officer (Information)
Information and Public Relations Department,
Government of Khyber Pakhtunkhwa, Peshawar

Subject: - **PROMOTION AS SUPERINTENDENT**

I am directed to refer to your letter No. SO (INF) 4(116)/2015(Vol: I)/775-76 dated 16-03-2017 on the subject cited above and to furnish the following in respect of the applicant Mr. Sarzamin Khan, ex-Assistant of the Directorate of Information for examining his promotion case in light of the Government of Khyber Pakhtunkhwa, Establishment & Administration Department (Regulation Wing)'s advice.

- 1). Mr. Sarzamin Khan joined the Directorate of Information as Lightman on February 7, 1977.
- 2). He was appointed as Junior Clerk (BS-5) on 21-12-1978.
- 3). He was promoted as Senior Clerk (BS-6) in March 1983 and later on promoted as Assistant (BS-11) on May 26, 1994. The post of Assistant was later upgraded to BS-16 vide the Finance Department, Government of Khyber Pakhtunkhwa's notification No. FD/SO(FR)10-22/2014 dated 20-05-2014.
- 4). He retired from service on superannuation after attaining the age of 60 years on 01-06-2016 (AN).
- 5). Before retirement, he alongwith some other Assistants went into litigation in January 2012 against the amended service rules framed for promotion to the post of Administrative Officer/Superintendent, which were notified by the administrative department vide No. SO(INF)11(34)S.Rules/2011 Vol.V dated 18-08-2011 wherein 60% and 40% ratio was kept for the Assistants and Senior Scale Stenographers/Stenographers respectively. Though later his request for withdrawal of Appeal No.87/2012 was accepted by the Khyber Pakhtunkhwa Service Tribunal on 11-01-2016 but meeting of the Department Promotion Committee (DPC) couldn't be held as the case was still subjudiced in the tribunal in similar other appeals by his colleague Assistants.
- 6). The Khyber Pakhtunkhwa Service Tribunal vide its judgement announced on 16-01-2017 dismissed the instant appeal No.85/2012 titled "Iftikhar Ahmad, Assistant versus Government of Khyber Pakhtunkhwa through Chief Secretary and others" and connected appeal No.86/2012 titled "Sarir Muhammad, Assistant versus Government of Khyber Pakhtunkhwa through Chief Secretary and others".
- 7). The ex-Assistant, Mr. Sarzamin Khan is now pressing hard for "Notional Promotion", which is given as under:
"In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired".
- 8). As explained in the preceding Paras above, no meeting of the DPC has been held to consider the promotion of Assistants and Senior Scale Stenographers/Stenographers to the post(s) of Administrative Officer/Superintendent(s) for the matter was subjudiced in the Khyber Pakhtunkhwa Service Tribunal till the the retirement of Mr. Sarzamin Khan, ex-Assistant.

The request of Mr. Sarzamin Khan, Ex-Assistant is submitted for consideration, please.

ATTESTED

**ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR**



DIRECTORATE OF INFORMATION
GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR

32

No. INF/Estt/1-28/
Dated Peshawar the ___/___/2016

OFFICE ORDER

In exercise of the powers conferred on me vide Finance Department, Government of Khyber Pakhtunkhwa letter No. FD(SR-IV)15-54/81-Vol-II, dated 20.11.1986, sanction to the encashment of 365 days in lieu of L.P.R is hereby accorded in favour of Mr. Sarzamin Khan, Assistant (BS-16), Directorate of Information, Khyber Pakhtunkhwa, Peshawar. He will stand retired from service on 01/06/2016 (Afternoon) on attaining the age of superannuation i.e 60 years.


Sd/=
DIRECTOR INFORMATION,
KHYBER PAKHTUNKHWA

Endst: No. INF/Estt/1-28/3192-3202

Dated Peshawar, the 13/15/2016

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
- ✓ 2. Mr. Sarzamin Khan, Assistant.
3. Bill Clerk.
4. Personal File of the official.
5. Office order file.


ASSISTANT DIRECTOR (ADMN)
FOR DIRECTOR

ATTESTED




Amir 27/9/17

33

GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT.

No. SO (INF)11-69/2017
Dated Peshawar the 30th October, 2017

To

The Director General Information,
Directorate General Information & Public Relations,
Khyber Pakhtunkhwa, Peshawar.

Subject: STANDING DEPARTMENTAL COMMITTEE FOR DISPUTE
RESOLUTION.

I am directed to this Department letter No. So(INF)4-175/2015 dated 24th October, 2017 and to enclose herewith the following two (02) applications in respect of the following official / Ex-official of the Director General of Information & Public Relations with the request that proper working paper may be prepared and sent to this Department for the above committee to resolve the issue once for all.

1. Mr. Khuram Shahzad. N.I.E.
2. Mr. Sarzameen Khan Khattak. Ex-Assistant.

The competent authority has directed the undersigned to convene the above meeting in the current work.

Diary No. 4031

Date 31-10-17

Section Officer (Information)

Encls: As above.

Endst: of even No & date.

Copy forwarded to the P.S Secretary Information & Public Relations Department, Khyber Pakhtunkhwa for information.

Section Officer (Information)

SE
ATTESTED

31/10



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

No. INF/Estt./PF/ 3826
Dated Peshawar, the 22/11/2017

34


To

The Section Officer (Establishment)
Information and Public Relations Department,
Govt: of Khyber Pakhtunkhwa, Peshawar

Subject:- STANDING DEPARTMENTAL COMMITTEE FOR DISPUTE RESOLUTION.

I am directed to refer to your letter No.SO(INF)11-69/2017 dated 30.10.2017 on the subject noted above and to enclose herewith two (2) Nos. working papers in respect of Mr. Khurram Shahzad, N.L.E and Mr. Sarzamin Khan, Ex-Assistant of this Directorate for consideration of the subject committee as desired, please.

Encl:- (As Above).


DEPUTY DIRECTOR (ADMN)
FOR DIRECTOR GENERAL

No. & date even.

Copy forwarded to PS to Secretary Information & PRs Department,
Government of Khyber Pakhtunkhwa for information, please.


DEPUTY DIRECTOR (ADMN)
FOR DIRECTOR GENERAL

ATTESTED



INFORMATION & PUBLIC RELATIONS DEPARTMENT, GOVERNMENT OF
KHYBER PAKHTUNKHWA

WORKING PAPER

Subject: - APPEAL TO CHIEF SECRETARY KHYBER PAKHTUNKHWA
FOR JUSTICE BY MR.SARZAMIN KHAN, EX-ASSISTANT OF
THE DIRECTORATE GENERAL INFORMATION & PRs,
KHYBER PAKHTUNKHWA.

The Directorate General Information & PRs, Khyber Pakhtunkhwa submits the following to dispose of the appeal made by Mr. Sarzamin Khan, ex-Assistant of the Directorate in light of the remarks given on the face of the appeal by the Chief Secretary, Government of Khyber Pakhtunkhwa, "Plz check this out. Can we help him on merit".

1. Mr. Sarzamin Khan joined the Directorate General Information & PRs, Khyber Pakhtunkhwa as Lightman on February 7, 1977 (F/A).
2. Later he was appointed as Junior Clerk (BS-5) on 21-12-1978 (F/B).
3. He was promoted as Senior Clerk (BS-6) in March 1983 (F/C) and later on promoted as Assistant (BS-11) on May 26, 1994 (F/D). The post of Assistant was later upgraded to BS-16 vide Finance Department, Government of Khyber Pakhtunkhwa's notification No. FD/SO(FR)10-22/2014 dated 20-05-2014.
4. He retired from service on superannuation after attaining the age of 60 years on 01-06-2016 (F/E).
5. Before retirement, he alongwith some other Assistants went into litigation in January 2012 (F/F) against the amended service rules framed for promotion to the post of Administrative Officer/Superintendent, which were notified by the administrative department vide No. SO(INF)11(34)S.Rules/2011 Vol.V dated 18-08-2011 wherein 60% and 40% ratio was kept for the Assistants and Senior Scale Stenographers/Stenographers respectively (F/G). Due to litigation, the solitary vacant post of Superintendent at that time, falling under the share of promotion of Senior Scale Stenographers/Stenographers as per service Rules @40%, remained unfilled (Stay Order copies enclosed F/H,I,J).

ATTESTED


36

6. Though later his request for withdrawal of Appeal No.87/2012 was accepted by the Khyber Pakhtunkhwa Service Tribunal on 11-01-2016 but meeting of the Department Promotion Committee (DPC) couldn't be held as the case was still subjudiced in the tribunal in similar other appeals by his colleague Assistants as mentioned in the preceding para-5.

7. There are as many as 6 sanctioned posts of Administrative Officer (BS-16)/Superintendent (BS-17) in the Directorate and subordinate offices. The 6 posts include one (1) post of Administrative Officer (BS-16) and 5(Five) posts of Superintendent (BS-17). The post of Administrative Officer (BS-16) fall vacant w.e.f. 01-01-2016 (F/K) due to the retirement of Muhammad Yousaf belonging to Assistants' cadre while one another post of Superintendents (BS-17) fall vacant in the Directorate due to retirement of Mr. Mahboob Ali w.e.f. 14-10-2015 belonging to stenographers' cadre (F/L). The other 3 already filled posts of Superintendents (BS-17), were occupied by the officials belonging to Assistants' cadre.

8. The Khyber Pakhtunkhwa Service Tribunal vide its judgement announced on 16-01-2017 dismissed the instant appeal No.85/2012 titled "Iftikhar Ahmad, Assistant versus Government of Khyber Pakhtunkhwa through Chief Secretary and others" and connected appeal No.86/2012 titled "Sarir Muhammad, Assistant versus Government of Khyber Pakhtunkhwa through Chief Secretary and others" (F/M).

9. Following the judgement of the Khyber Pakhtunkhwa Service Tribunal, the Information and PRs Department convened a meeting of the Departmental Promotion Committee on 11-04-2017 for promotion of the Assistants and Stenographers against the one vacant post of Administrative Officer (BS-16) and two posts of /Superintendent (BS-17). In light of the recommendations of the DPC meeting, the Administrative Department and DGIPR promoted two Senior Scale Stenographers (BS-16) to the post of Superintendents (BS-17) and one Assistant (BS-16) to the post of Administrative Officer (BS-16) vide notification No.SO(INF)4(116)/2016(Vol:IV

ATTESTED

[Handwritten signature]

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11/1/2015

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dated 29.05.2017 and vide office order No.INF/Estt:/1/59(A)/4087-92 dated 30.05.2017 respectively (F/N,O).

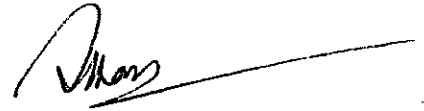
10. The ex-Assistant, Mr. Sarzamin Khan also pressing for "Notional Promotion", which is given as under:

"In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired" (F/P).

11. As explained in the preceding Paras above, no meeting of the DPC has been held to consider the promotion of Assistants and Senior Scale Stenographers/Stenographers to the post(s) of Administrative Officer/Superintendent(s) for the matter was subjudiced in the Khyber Pakhtunkhwa Service Tribunal till the retirement of Mr. Sarzamin Khan, ex-Assistant.

The case of Mr. Sarzamin Khan, Ex-Assistant is submitted for consideration of the committee, please.

Encl:- (As Above).



DEPUTY DIRECTOR (ADMN)
FOR DIRECTOR GENERAL

ATTESTED

