

The appeal of Mr. Assadullah Khan PMS Deputy Secretary Agriculture received today i.e. on 07.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


Annexure-G of the appeal is illegible which may be replaced by legible/better one.

No. 1991 /S.T,

Dt. 07/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv.Mardan.

*Resubmitted appeal
complete*
*Amjad Ali
Mardan*

12/10/21

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Asadullah Khan vs Court of KPST

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	/	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	/	
3	Whether appeal is within time?	/	
4	Whether the enactment under which the appeal is filed mentioned?	/	
5	Whether the enactment under which the appeal is filed is correct?	/	
6	Whether affidavit is appended?	/	
7	Whether affidavit is duly attested by competent Oath Commissioner?	/	
8	Whether appeal/annexures are properly paged?	/	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	/	
10	Whether annexures are legible?	/	
11	Whether annexures are attested?	/	
12	Whether copies of annexures are readable/clear?	/	
13	Whether copy of appeal is delivered to AG/DAG?	/	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15	Whether numbers of referred cases given are correct?	/	
16	Whether appeal contains cutting/overwriting?	/	
17	Whether list of books has been provided at the end of the appeal?	/	
18	Whether case relate to this court?	/	
19	Whether requisite number of spare copies attached?	/	
20	Whether complete spare copy is filed in separate file cover?	/	
21	Whether addresses of parties given are complete?	/	
22	Whether index filed?	/	
23	Whether index is correct?	/	
24	Whether Security and Process Fee deposited? On	/	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	/	
26	Whether copies of comments/reply/rejoinder submitted? On	/	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	/	

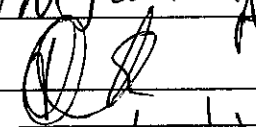
It is certified that formalities/documentation as required in the above ~~table~~ have been fulfilled.

ATTESTED

Name:

Amjad Ali Mandan
Advocate

Signature:



Dated:

7/10/21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 7588/2021

Asad Ullah KhanAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa,
through Chief Secretary and othersRespondents

I N D E X

S.No.	Description of documents.	Annexure	Page
1.	Memo of appeal with affidavit.		1-5
2.	Addresses of parties		6
3.	Copy of appointment order dated 13.07.1998	A	7-8
4.	Copy of promotion order dated 06.09.2008	B	9-
5.	Copy of promotion order dated 03.03.2009 and seniority list	C	10-23
6.	Copy of Notification dated 11.05.2007	D	24-25
7.	Copies of Notification dated 25.07.2012, judgment dated 13.03.2009 and judgment of Supreme Court dated 25.07.2012	E	26-39
8.	Copy of departmental appeal dated 25.07.2016	F	40-41
9.	Copy of rejection order dated 30.09.2021	G	42-43
10.	Wakalatnama		44


Appellant

Through


Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Asad Ullah Khan, PMS (BS-18)
Deputy Secretary Agriculture, Department
Civil Secretariat, PeshawarAppellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Department, Civil Secretariat, Peshawar.
2. Secretary Establishment Department, Civil Secretariat, Peshawar.
3. Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Chief Minister Khyber Pakhtunkhwa/ Competent Authority, Chief Minister Secretariat, Peshawar.
(as per Rules)

....Respondents

**SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE FINAL
APPELLATE ORDER DATED 30.09.2021
PASSED BY RESPONDENTS UPON
DEPARTMENTAL APPEAL DATED
25.07.2016, BY NOT TREATING
APPELLANT LIKE OTHER SIMILARLY
PLACED OFFICERS AND JUDGMENT
DATED _____.**

Respectfully Sheweth:-

(2)

- 1) That appellant was appointed as Naib Tehsildar vide order dated 13.07.1998. (**Copy of appointment order dated 13.07.1998 as is Annex "A"**)
- 2) That vide order dated 06.09.2008, the appellant was promoted to the post of Tehsildar on regular basis. (**Copy of promotion order dated 06.09.2008 is Annex "B"**)
- 3) That vide order dated 03.03.2009, the appellant was promoted to the post of PMS Officer (BS-17) on regular basis and was placed at S.No.204 of the seniority list dated 2010. (**Copy of promotion order dated 03.03.2009 and seniority list are Annex "C"**)
- 4) That the Provincial Management Service Rules, 2007 were issued vide Notification dated 11.05.2007. (**Copy of Notification dated 11.05.2007 is Annex "D"**)
- 5) That vide notification dated 25.07.2012, the respondents gave benefit of judgment of this Hon'ble Tribunal dated 13.03.2009 and judgment of the august Supreme Court of Pakistan dated 25.07.2012 to PMS Officers like Naimat Ullah, Syed Ismail Ali Shah, Mian Asfandiyar and Rasool Khan and re-designated them as PCS (EG) w.e.f. 26.05.2007 and ignored the appellant though the mentioned officers were not appellants in the above mentioned cases and were similar PMS Officers like the appellant. (**Copies of Notification dated 25.07.2012, judgment dated 13.03.2009 and judgment of Supreme Court dated 25.07.2012 are Annex "E"**)

- (3)
- 6) That the appellant and the PMS Officers like Naimat Ullah, Syed Ismail Ali Shah, Mian Asfandiyar and Rasool Khan are all from Tehsildar Cadre and all have been promoted from BS-16 to PMS (BS-17) after the issuance of PMS Rules, 2007 on 11.05.2007. Though the appellant and the other mentioned officers are all similarly placed and identical persons yet the appellant is not re-designated as PCS (EG), which is clear discrimination prohibited under Article 27 of the Constitution.
 - 7) That appellant requested the respondent vide departmental appeal dated 25.07.2016 for extension of the benefits of the judgments dated 13.03.2009 and 25.07.2016 to the appellant. **(Copy of departmental appeal dated 25.07.2016 is Annex "F")**
 - 8) That vide notification dated 30.09.2021, the respondents regretted/ rejected appeal of the appellant, which is illegal against law and facts. **(Copy of rejection order dated 30.09.2021 is Annex "G")**
 - 9) That the impugned order dated 30.09.2021 is illegal, against law and facts on the following grounds:

GROUND.

- A. Because non-extending the benefit of the judgments of Hon'ble Service Tribunal dated 13.03.2009 and august Supreme Court of Pakistan dated 24.05.2012 to the appellant and extending the same benefits to other similarly placed persons like Naimat Ullah, Syed Ismail Ali Shah, Mian Asfandiyar and Rasool Khan is discrimination, which is prohibited under Article 27 of the Constitution of Pakistan, 1973.

- (4)
- B. Because the appellant and the other mentioned similarly placed persons like Naimat Ullah, Syed Ismail Ali Shah, Mian Asfandiyar and Rasool Khan are all from Tehsildar Cadre and have been promoted from BS-16 to PMS (BS-17) after issuance of the PMS Rules, 2007 on 11.05.2007, therefore, not treating the appellant at par with other similarly placed persons is against the principle of Natural Justice.
- C. Because as per Article 4 of the Constitution of Pakistan, 1973 all citizens are equal before law.
- D. Because as per Article 4 of the Constitution of Pakistan, 1973 the appellant has not been dealt with in accordance with law.
- E. Because not treating the appellant at par with other mentioned similarly placed persons like Naimat Ullah etc is against the spirit of judgments reported as 1996 SCMR 1185, 2009 SCMR 8, 1984 SCMR 286, 2009 SCMR 1, 2003 SCMR 1030, 1987 SCMR 1698, 1999 SCMR 1692, 1999 SCMR 336, PLJ2005 SC 826, PLC 1995 (CS) 188, 2006 PLC (CS) 11, 2005 PLC (CS) 368 and NLR 2009 Service 26 (Lahore).

PAYER

It is therefore, humbly prayed that on acceptance of this appeal, the final appellate/ order/ notification dated 30.09.2021 issued by the respondents may kindly be declared as illegal, without lawful authority and may please be set-aside by extending benefits of judgment of this Hon'ble Tribunal dated 13.03.2009 and of the august Supreme Court of Pakistan dated 24.05.2012 in CA Nos.860 to 861 of 2010 to the appellant, so as re-

(5)

designate the appellant as PCS (EG) with all back service and monetary benefits like officers mentioned in the memo of appeal without affecting the rights of any other officer.

Any other relief which this hon'ble court deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

Dated: 7/10/21



Appellant

Through



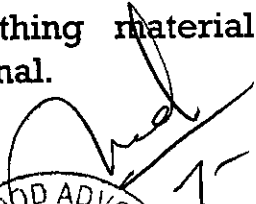
Amjad Ali (Madan)

Advocate

Supreme Court of Pakistan

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



7-10-21

Deponent



(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2021

Asad Ullah KhanAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa,
through Chief Secretary and othersRespondents

ADDRESSES OF PARTIES

APPELLANT

Asad Ullah Khan, PMS (BS-18)
Deputy Secretary Agriculture, Department
Civil Secretariat, Peshawar

RESPONDENTS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Department, Civil Secretariat, Peshawar.
2. Secretary Establishment Department, Civil Secretariat, Peshawar.
3. Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Chief Minister Khyber Pakhtunkhwa/ Competent Authority, Chief Minister Secretariat, Peshawar.
(as per Rules)

Appellant 

Through


Amjad Ali (Mardan)
Advocate

Supreme Court of Pakistan

ORDER

In exercise of the powers delegated to the undersigned vide Rule 4 of the West Pakistan Tehsildari and Naib Tehsildari service Rules 1962 and consequent upon the recommendations of the NWFP, Public Service Commission in relaxation of the ban, the following candidates are hereby selected as Naib Tehsildars on regular cadre against the direct quota in BPS-14 (2085-161-4430):-

- 1) Mian Fazal Mabood,
S/O Mian Badshah Yousef,
R/O Village & P.O. Gendigar Distt; Dir
C/O Nisar Yousef Assistant Prof;
Govt; College, Takht Bai, Distt; Mardan,
- 2) Mr. Abdul Kabir Khan,
S/O Khalilur Rahman,
Village Chalyar Tehsil & Post Office
Khawazkheh District Swat.
- 3) Mr. Abdul Hamid,
S/O Abdul Majid Khan,
R/O Mohallah Radad Khel village & P.O.
Julagram Malakand Agency.
- 4) Mr. Asad Ullah Khan,
S/O Saif Rahim Village, Kharkai, P.O.
& Tehsil Dargai Malakand Agency.
- 5) Mr. Javid Ali,
S/O Sardar Ali Sardar Aman,
R/O House No. 233 ST No. 64 Phase No. 1
Sector D-T Hayatabad Peshawar.
- 6) Mr. Tariq Ali Khan,
S/O Bakht Rawan C/O Hamdan General Store
Sahib Zada Market Sakhakot Bazar
Malakand Agency.
- 7) Mr. Mohammad Nasir Khan,
S/O Qadar Khan, Village & P.O. Danwa
Tehsil Timergara District Dir.
- 8) Mr. Wahidullah,
S/O Mahibullah C/O Rahman Medical Store
Timergara District Dir.
- 9) Mr. Hidayatullah,
S/O Fazal Haleem Khushal Public School
Landikass Mingora Swat.
- 10) Syed Kazim Hussain Shah,
S/O Syed Tawfiq Jan C/O Professor syed
Tawfiq Jan Govt; Degree College Chitral.
- 11) Mr. Mohammad Inshad,
S/O Gul Tullah Khan C/O Wasim Medicose
Wari District Dir.

(8)

- 12) Mr. Habibullah Arif,
S/O Mohammad Arif,
Said Anwar House No. 12 New Bhami Road
Peshawar.
- 13) Mr. Naeem Akhtar,
S/O Mohammad Dawood,
Dawood Corporation Airport Road,
Mingora Swat.
- 14) Mr. Niaz Mohammad Khan,
S/O Habib Khan,
Habib Medicose Central Hospital
Saidu Sharif Swat.

Their inter-se-seniority has been fixed on merit as recommended by the Public Service Commission, NWFP, Peshawar as shown above.

si/-
COMMISSIONER, MALAKAND DIVISION.

No. 8020-52 / 2/654 (AC)

Copy forwarded to :-

- 1) The Secretary, Board of Revenue, NWFP, Peshawar with reference to his memo No. 15243/Admn: I, dated 2-7-1998.
- 2-6) All Commissioners in N.W.F.P.
- 7) The Deputy Commissioner, Swat.
- 8) The Deputy Commissioner, Dir Lower.
- 9) The Deputy Commissioner, Dir Upper.
- 10) The Deputy Commissioner, Buner.
- 11) The Deputy Commissioner, Chitral.
- 12) The Deputy Commissioner, Shangla.
- 13) The Political Agent, Malakand.
- 14) The District Accounts Officer, Swat.
- 15) The Settlement Officer, Mardan.
- 16-30) The officials concerned for information and compliance.
File No. 2/34-A (AC).
Office Order File.

[Signature]
Assistant to Commissioner (Rev.),
for Commissioner, Malakand Division.

Ann-B

GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

(18) (9)

Peshawar dated the 06 /09/2008

NOTIFICATION

NO 22315 Admn:1/DPC/26/2008: The Competent Authority in consultation with the Departmental Promotion Committee is pleased to order the promotion of the following Naib Tehsildars and Tehsildars working on Acting Charge Basis to the post of Tehsildar (BS -16) on Regular basis with immediate effect.

S.NO	NAME OF OFFICER	PRESENT POSTING
1.	Mr.Shabbir Muhammad	Political Tehsildar Lower Orakzai Agency
2.	Mr.Gulfam Abbas Shah	Board of Revenue NWFP
3.	Mr.Afsar Ali Shah	Tehsildar Pabbi
4.	Mr.Maqsood Hassan	Political Tehsildar Baizai Mohmand Agency
5.	Muhammad Jamal Azmat	Board of Revenue NWFP
6.	Muhammad Ikramullah	Tehsildar Paharpur (DIKhan)
7.	Muhammad Kashif Nadeem	Tehsildar CRBC WAPDA DIKhan
8.	Mr. Bakhtiar Khan	Political Tehsildar Jamrud
9.	Mr.Ghazi Nawaz	Tehsildar Irrigation DIKhan
10.	MR.Kiramattullah	Tehsildar DIKhan
11.	Mr.Abdul Kabir	Board of Revenue NWFP
12.	Mr.Abdul Hameed	Tehsildar Nowshera
13.	Mr.Asadullah	Tehsildar Behrain (Swat)
14.	Mr.Javed Ali	Tehsildar SME Bank Peshawar
15.	Mr.Tariq Ali	Tehsildar Samar Bagh (Dir Lower)
16.	Muhamamd Nasir Khan	Tehsildar Lahor (Swabi)
17.	Mr.Hidayatullah	Tehsildar Daggar (Buner)
18.	S.Kazim Hussain Shah	Tehsildar Babuzai (Swat)
19.	Mr.Fazal Hussain	Board of Revenue NWFP
20.	Muhammad Irshad	Board of Revenue NWFP
21.	Mr.Habibullah Arif	Tehsildar /Recovery Officer SIDB Peshawar
22.	Mr.Naeem Akhtar	Deputy District Officer (R) Swat
23.	Mr.Niaz Muhammad	Tehsildar Alpuri (Shangla)
24.	Mr.Daftar Khan	Political Tehsildar Mahal Kuram Agency



Anx (C)
10

**GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the 3rd March, 2009

NOTIFICATION:

No: SOE-II(ED)2(192)2009: The Competent Authority, in consultation with the Provincial Selection Board is pleased to order the promotion of the following Tehsilidars, to Provincial Management Service (BS-17) on regular basis with immediate effect:-

Sr. #	NAME OF OFFICER
1	Mr. Shabbir Muhammad
2	Mr. Afsar Ali Shah
3	Mr. Maqsood Hassan
4	Mr. Muhammad Jamal Azmat
5	Mr. Abdul Hameed Khan
6	Mr. Asadullah
7	Mr. Javed Ali
8	Mr. Tariq Ali

2- On their promotion the above officers will be on probation for a period of one year in terms of section-6(2) of NWFP Civil Servants Act 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1983.

3- Posting / transfer orders of above named officers will be issued later on.

CHIEF SECRETARY, N.W.F.P.

ENDST:NO: SOE-II (ED)2(192) 2009

Dated Peshawar the 3rd March, 2009

A copy is forwarded to :-

1. Senior Member Board of Revenue, NWFP.
2. Secretary to Governor, NWFP.
3. Principal Secretary to Chief Minister, NWFP.
4. Secretary (Admn & Coord) Civil Secretariat FATA.
5. District Coordination Officers, Swabi, Nowshera, Swat & Dir Lower.
6. Political Agents, Mohmand Agency / S.Waziristan Agency / Kurram Agency.
7. Accountant General, NWFP, Peshawar.
8. District Accounts Officers, Swabi, Nowshera, Swat & Dir Lower.
9. Agency Accounts Officers, Mohmand Agency / S. Waziristan Agency / Kurram Agency.
10. S.O.(Secret)/(Admn)/E-IV/E.O/Programmer/Librarian, E&A Dept.
11. Officers concerned.
12. P.S. to Chief Secretary NWFP.
13. P.S. to Secretary Establishment NWFP.
14. PA to Addl: Secretary (E) / Dy: Secretary (E) Establishment Department.
15. Personal files of the officers concerned.
16. Office Order file.
17. Manager, Govt Printing Press, Peshawar.

SEK

(C)



GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT

No.SOE-II(ED)2(8)/2010.
Dated Peshawar the 11.02.2010.

To

1. All Administrative Secretaries to Govt. of NWFP
2. All Divisional Commissioners in NWFP.
3. All Political Agents in NWFP.
4. All District Coordination Officers in NWFP.

**SUBJECT: TENTATIVE SENIORITY LIST OF PMS OFFICERS
BS-17 AS STOOD ON 01.02.2010**

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of tentative seniority list of PMS BS-17 as it stood on 01.02.2010 alongwith certificate proforma with the request that the same may be circulated amongst the PMS BS-17 Officers working in your respective Department/District/Agency.

I am further directed to request you to direct all concerned that the certificate may be returned to this Department duly signed, indicating error/omission, if any, for the purpose of rectification alongwith attested supporting documents up to 01st March, 2010. In case of receipt of no response by the due date, it would be considered that particulars have been accepted as correct.

Yours Faithfully,


(KALAMULLAH)
Section Officer (E-II)

TENTATIVE SENIORITY LIST OF PMS OFFICERS BS-17 AS STOOD ON 1ST FEBRUARY 2010

S. No	Name of officer with academic qualifications	Date of birth and domicile	Date of Ist entry into Govt: Service.	Date of Appointment / promotion in BS-16	Regular appointment/ Promotion to present posts.			Present Appointment	Remarks
					Date	B P S	Method of recruitment		
1.	Mr. Ishaq Mohmand,	14.8.1954, Mohmand Agency	10.09.1975	18.10.1980	19.2.2008	17	Promotion	DDO(R) Nowshera, 20.2.2009.	
2.	Mr. Riaz Muhammad Balouch, BA	1.3.1951 D.I.Khan	8.9.1970	11.11.1986	19.2.2008	17	Do	Awaiting posting in E&AD w.e.f. 01.02.2010	
3.	Mr. Muhammad Farooq, BA	9.3.1955 Mansehra	26.3.1979	28.12.1988	19.2.2008	17	Do	HRDO, Abbottabad 17.11.2009	
4.	Mr. Zarmat Ali, MA	6.3.1960, Chitral	24.5.1979	28.12.1988	27.5.2008	17		HRDO, Chitral 17.09.2009	Regained seniority w.e.f 19.2.2008
5.	Mr. Muhammad Zaheer ud Din, M.A	14.8.51 Chitral	6.6.79	28.12.1988	27.5.2008	17	By promotion	EAC/IQ, Dir (Lower) 20.10.98	Regained seniority w.e.f 19.2.2008
6.	Mr. Ahmad Khan Orakzai, BA	21.3.1956, Orakzai Agency	14.6.1979	28.12.1988	19.2.2008	17	DO	Asstt. to Commissioner(Dr.v), Malakand Division 04.01.2010	
7.	Mr. Muhammad Iqbal Khattak, BA	29.2.1956, Kohat	14.6.1979	28.12.1988	19.2.2008	17	By Promotion	APA, Upper Kurrum, 20.1.2007	
8.	Mr. Muhammad Javed, BA	10.3.1956, Charsadda	14.6.1979	28.12.1988	19.2.2008	17	Promotion	Magistrate, PESCO. 15.9.2006	
9.	Mr. Azam Jan Khalil, MA	15.6.1957, Peshawar	14.6.1979	28.12.1988	19.2.2008	17	Promotion	APA, Landi Kotal, 20.11.2008	
10.	Mr. Ahmad Jan Afridi, MSC	18.4.1955, Khyber Age	14.6.1979	30.9.1989	19.2.2008	17	Promotion	Secretary, PTA, Pesh 13.8.2007	
11.	Mr. Nazar Gul Mohmand, BSC	31.8.1956, Mohm.Age	14.6.1979	30.9.1989	19.2.2008	17	Promotion	ACO, Hangu	
12.	Mr. Muhammad Hanif, BA	1.3.1957, FR, Kohat	14.6.1979	28.12.1988	19.2.2008	17	Promotion	DDO(R) Kohat, .8.2008	
13.	Mr. Tahir Muhammad, BA	24.12.1954, Swabi	14.6.1979	28.12.1988	19.2.2008	17	Promotion	LAC, CD&MD, 27.12.2005	

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	Mr. Muhammad Rafiq, BA	2.3.1952, Abbot. Abad	8.10.1970	28.12.1988	19.2.2008	17	Promotion	DO(R), Kohistan 09.10.2009	
15.	Mr. Muhammad Fakhruddin, B.Sc.	15.3.1956 Kohat	9.8.1979	12.8.1991	27.5.2008	17	By promotion	DDO(R), Sheringale Dir Upper 12.09.2009	Regained seniority w.e.f 19.2.2008
6.	Mr. Farzand Ali, MA, LLB	13.4.1954, Lakki	1.7.1980	12.8.1991	19.2.2008	17	Promotion	APA, FR, Tank	
7.	Mr. Rehmatullah Wazir, FA	3.8.1957, N.W.A	2.7.1981	2.12.1992	19.2.2008	17	Promotion	DS, FATA Sectt, (OPS) 30.7.2009	
8.	Mr. Qaiser Khan, FA	23.5.1955, D.I.Khan	2.7.1981	2.12.1992	19.2.2008	17	Promotion	DDO, Rodhkohi, Irrigation Also holding additional charge Of DDO(R) Kulachi, DIKhan, 11.6.2007	
9.	Mr. Azizullah Khan Mehsood, MA, LLB	19.10.1956, S.W.A	2.7.1981	2.12.1992	19.2.2008	17	Promotion	Report to Establishment Deptt: 6.8.2009	
10.	Mr. Naeem Anwar, MSC(Botany)	5.5.1957, Bannu	1.7.1980	5.1.1993	19.2.2008	17	Promotion	APA, Upper Orakzai Agency,	
	Mr. Loi Khan, BA	3.11.1950, S.W.A	2.7.1981	2.12.1992	19.2.2008	17	Promotion	DDO(R), D.I.Khan 11.11.2009	
	Mr. Damsaz Khan, BA	20.6.1955, Lakki	2.7.1981	2.12.1992	19.2.2008	17	Promotion	Asstt: to Commissioner(R), D.I.Khan	
	Mr. Habbullah Wazir, BA	16.2.1956, S.W.A	2.7.1981	2.12.1992	19.2.2008	17	Promotion	DO(R) Tank, 11.9.2006	
	Mr. Zafar Ali Khan, BA	10.5.1957, Bannu	2.7.1981	2.12.1992	19.2.2008	17	Promotion	DO(R) Lakki marwat, 15.3.2007	
	Mr. Gul Wahid, BA	14.3.1951, Dir	10.6.1961	2.12.1992	19.2.2008	17	Promotion	DO(R) Dir Lower, 18.10.2007	
	Mr. Abdul Mateen, M.A.	4.1.1955, Chitral	1.7.1981	2.12.1992	27.5.2008	17	By promotion	IQ, Dir (Upper) 25.2.2000.	Regained seniority w.e.f 19.2.2008
	Mr. Akbar Jalal, MA	1.8.1955, Chitral	1.7.1981	2.12.1992	19.2.2008	17	Promotion	DO(R) Chitral, 3.5.2006	
	Mr. Khaista Rehman, BA	5.5.1960, Dir	1.7.1981	2.12.1992	19.2.2008	17	Promotion	District Officer (R&E) Swabi, 29.5.2008	
	Mr. Shams-ul-Alam, BA	15.12.53, Dir Upper	1.7.1981	2.12.1992	19.2.2008	17	Promotion	DDO(J) Upper Dir,	
	Mr. Fazal Rehman, MA	6.2.1958, Swat	1.7.1981	2.12.1992	19.2.2008	17	Promotion	DOR, Abbottabad, 13.10.2008	
	Mr. Rashid Mehmood M.P.A	4.4.1953, Swat	1.7.1981	2.12.1992	27.5.2008	17	By promotion	DO(R&E) Battagram, in his own pay & scale 15.5.2008	Regained seniority list w.e.f 19.2.2008
	Mr. Latif-ur-Rehman, FA	2.8.1955, N.W.A	7.7.1981	5.1.1993	19.2.2008	17	Promotion	APA, Razmak, NWA,	

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33.	Mr. Muhamad Jamil, MA	4.4.1954, Swat	1.7.1981	5.1.1993	19.2.2008	17	Promotion	APA, Nawagai, Bajaur Agency 12.2.2007
34.	Mr. Khurshid Anwar, FA	23.7.1954, Malakand Agency	1.7.1981	5.1.1993	19.2.2008	17	Promotion	DDO(R) Dargai, Malakand 29.5.2004
35.	Mr. Perhezgar Khan, BA	1.7.1954, Dir Lower	1.7.1981	5.1.1993	19.2.2008	17	Promotion	ACO, Malakand 10.09.2009
36.	Mr. Mushtaq Ahmad, BA	20.1.1958, Swat	1.7.1981	5.1.1993	19.2.2008	17	Promotion	DO (R&E) Shangla, 10.1.2009
37.	Mr. Niamatullah, BA, LLB	25.9.1950, FR, Bannu	14.8.1982	5.1.1993	19.2.2008	17	Promotion	Assistant to Commissioner (Rev) Bannu, 25.10.2008
38.	Mr. Momin Khan, BA	15.6.1950, Buner	1973	5.1.1993	19.2.2008	17	Promotion	DDO(J) Buner, 9.1.2009
39.	Syed Ismail Ali Shah, MA	26.6.1958, Peshawar	22.12.1980	5.1.1993	19.2.2008	17	Promotion	DDO(J), Nowshera 03.12.2009
40.	Mr. Ahmed Khan, MA	1.4.1958, N.W.A	8.5.1986	24.6.1993	19.2.2008	17	Promotion	Asstt: to Commissioner(R) Bannu 25.5.2009
41.	Mr. Jan Muhammad, BA	7.2.1958, N.W.A	21.7.1986	24.6.1993	19.2.2008	17	Promotion	APA, FR, Lakki, 14.1.2009
42.	Mr. Saeed-ur-Rehman, BA	24.12.1954, Mansehra	1.11.1976	5.1.1993	19.2.2008	17	Promotion	DO(F) Battagram, 15.5.2008
43.	Mr. Muhammad Israr, MA	3.1.1952, Bannu	7.1.1970	5.1.1993	19.2.2008	17	Promotion	Collector, Provincial Housing Authority 19.7.2007
44.	Mr. Arshad Navced, MA	6.1.1959, Peshawar	4.6.1976	10.8.1993	19.2.2008	17	Promotion	Deputy Secretary-I, BOR, 2.5.2008
45.	Mr. Said Ahmad Jan, BA	6.5.1954, Bajaur	22.11.1975	22.5.1995	19.2.2008	17	Promotion	Additional PA, Mohmand Agency, 03.10.2009
46.	Mr. Abdul Hamid Jan, BA	30.6.1955, Bajaur Age	20.3.1978	22.5.1995	19.2.2008	17	Promotion	Magistrate, Anti Corruption Establishment, 19.1.2009
47.	Mr. Muhammad Tuhab,	13.6.1952, Mardan	25.1.1988	22.5.1995	19.2.2008	17	Promotion	Assistant to Commissioner (Rev) Mardan 19.10.2009
48.	Mr. Sultanat Khan, BA, LLB	15.8.1950, Swat	29.12.1970	4.2.1998	19.2.2008	17	Promotion	DO(R) Matta, Swat, 28.4.2009
49.	Mr. Subhanullah, BA	13.5.1952, Peshawar	19.10.1973	7.2.1996	19.2.2008	17	Promotion	DO(R) Nowshera,
50.	Mr. Muhamad Siddique, MA	12.9.1959, Mardan	25.1.1988	4.2.1998	19.2.2008	17	Promotion	Asstt: to Commissioner(R), Mardan 13.8.2009
51.	Mr. Fakhr-uz-Zaman, BSC	15.1.1962, Mardan	25.1.1988	4.2.1998	19.2.2008	17	Promotion	DDO(R), Mardan, 26.11.2009
52.	Mr. Ibadat Khan, BA	10.7.1954, Buner	20.10.1973	22.5.1995	19.2.2008	17	Promotion	Programme Manager, District Reconstruction Unit, Shangla, 17.7.2009

53	Mr. Mian Asfandyar, BA	18.2.1956, Charsadda	4.6.1979	22.5.1995	19.2.2008	17	Promotion	DO(R) Charsadda, 05.09.2007	
54	Mr. Rasool Khan, FA	1.9.1955, N.W.A	8.7.1975	22.5.1995	19.2.2008	17	Promotion	APA, Yakaghund, Mohmand Agency, 22.8.2008.	
55	Mr. Fida Muhammad, BA	1.10.1950, Kohat	4.11.1972	29.5.1995	19.2.2008	17	Promotion	Assistant to Commissioner (P/D) Kohat, 17.09.2009	
56	Mr. Muntazir Khan, MA	8.5.1961, Mohmand Agency	25.1.1988	7.2.1996	19.2.2008	17	Promotion	Assistant to Commissioner (Rev) Peshawar, 25.11.2008	
57	Mr. Atta-ur-Rehman, MA	12.2.1960, Orakzai Agency	25.1.1988	7.2.1996	19.2.2008	17	Promotion	DO, (R&E) Peshawar, 20.11.2008	
58	Mr. Shahab Hamid Yousafzai, BA, LLB	15.2.1961, Swabi	25.1.1988	7.2.1996	19.2.2008	17	Promotion	Project Manager Kala Dhaka Area project Mansehra 29.12.2009	
59	Mr. Ghulam Habib, MA, LLB	1.4.1962, Lakki	25.1.1988	7.2.1996	19.2.2008	17	Promotion	Assistant to Commissioner (Political/Dev), Peshawar, 25.11.2008	
60	Mr. Naeemullah Jan, MA	26.8.1956, Charsadda	25.1.1988	7.2.1996	19.2.2008	17	Promotion	APA, Kurram Agency 25.4.2009	
61	Mr. Muhammad Naeem, MA, LLB	10.4.1960, Haripur	25.1.1988	7.2.1996	19.2.2008	17	Promotion	DDO(R) Haripur, 30.9.2009	
62	Mr. Abdul Ghaffar, MA, LLB	9.3.1960, Chitral	25.1.1988	7.2.1996	7.11.2008	17	By promotion	Illaqa Qazi, Booni, Chitral, 9.1.2006	Regained seniority w.e.f 19.2.2008
63	Mr. Tasleem Khan, MA, Political Science	5.3.1961, Batagram	25.1.1988	7.2.1996	19.2.2008	17	Promotion	ACO, Mansehra, 11.2.2009	
64	Mr. Muhammad Iqbal Tanoli, BA	3.4.1952, Haripur	10.10.1970	7.2.1996	19.2.2008	17	Promotion	DDO(R) Haripur, 15.4.2009	
65	Mr. Riaz Hussain, MA	10.4.1958, Kohat	16.3.1981	7.2.1996	19.2.2008	17	Promotion	DO(R) Kohat.	
66	Mr. Malloob-ur-Rehman, BSC	12.4.1961, Mansehra	25.1.1988	4.2.1998	27.5.2008			DDO(J) Mansehra, 27.5.2008	Regained seniority w.e.f 19.2.2008
67	Mr. Masood Pervaiz Siddiqui, B.Sc	12/03/50, Peshawar	30/06/1972, BPS-7	9.4.1996	19.2.2008	17	By promotion	SO.Home & TAs Dept. 11.3.2003.	
68	Mr. Rozam Khan, B.A.	13.8.1950, Mardan	20.9.1976, BPS-5	2.12.1996	19.2.2008	17	By promotion	PPHI,	
69	Mr. Muhammad Naseem, B.A.	16.12.1958, Swaf	07.8.1979, BPS-5	2.12.1996	19.2.2008	17	By promotion	S.O. Governor's House 02.12.2003	
70	Mr. Akhtar Muhammad, M.A.	24.4.1952, Moh: Agency	29.7.1976, BPS-5	2.12.1996	19.2.2008	17	By promotion	Assistant Manager (Admn) FDA, 22.4.2009	

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71.	Mr. Muhammad Siddique, M.A.	8.4.1960 Abbotabad	26.3.1979 BPS-5	2.12.1996	19.2.2008	17	By promotion	S.O. Finance Dept. 11.3.2003.
72.	Mrs. Tahira Jabeen M.A.	2.2.1957 Peshawar	13.6.1981 BPS-5	2.12.1996	19.2.2008	17	By promotion	SO(L/R) Establishment Dept 16.11.2009
73.	Mr. Azam Khan, B.A.	04.2.1956 Bannu	29.11.1974 BPS-5	21.8.1997	19.2.2008	17	By promotion	SO, Home & TAs Dept 1.4.2008
74.	Mr. Fazle Rahim, B.Com	01.9.1959 Peshawar	28.10.1979 BPS-5	21.8.1997	19.2.2008	17	By promotion	SO Industries 10.12.2009
75.	Mr. Abdul Aziz, Metric.	22.8.1956 Peshawar	28.12.1981 BPS-5	21.8.1997	19.2.2008	17	By promotion	PS to Minister Excise & Taxation 8.4.2008
76.	Mr. Farhad Khan, M.A.(English).	19.11.1961 Peshawar	01.2.1981 BPS-5	21.8.1997	19.2.2008	17	By promotion	(Secret) Estt Dept. 17.04.2008
77.	Mr. Muhammad Yaqoob,	20.1.1951 Bannu	10.12.1973	21.8.1997	19.2.2008	17	By promotion	PS to Minister, Fisheries, 24.4.2008
78.	Mr. Ihsanullah, MA	24.5.1961, Charsadda	25.1.1988	4.2.1998	19.2.2008	17	Promotion	DDO(R), Charsadda 03.12.2009
79.	Mr. Muhammad Shuaib, MSC	23.6.1952, Swat	5.10.1974	4.2.1998	19.2.2008	17	Promotion	Asstt: to Commissioner(R), Malakand 3.8.2009
80.	Mr. Amir Akbar Khan, MA, LLB	6.2.1956, Buner	15.8.1975	4.2.1998	19.2.2008	17	Promotion	DO(R) Malakand, 29.5.2009
81.	Mr. Shah Jehan, FSc.	3.10.1965 Peshawar	31.10.1985 BPS-5	27.2.1998	19.2.2008	17	By promotion	SO, CM Sectt. 10.6.2009
82.	Mr. Johar Ali Shah, B.A.	3.10.1965 Peshawar	23.10.1985 BPS-5	27.2.1998	19.2.2008	17	By promotion	Civil Secretariat FATA, 12.4.2008
83.	Mr. Usman Shah, B.A.	14.4.1956 Karak	23.11.1974 BPS-5	8.2.1999	19.2.2008	17	By promotion	SO, Excise & Taxation Deptt. 29.7.2009
84.	Mr. Samin Jan, B.A.	2.1.1950 Peshawar	21.11.1967 BPS-5	8.2.1999	19.2.2008	17	By promotion	Section Officer Health Dept. 10.7.2004
85.	Mr. Muhammad Qasim, B.A.	8.4.1953 Dir	25.5.1976 BPS-5	1.9.1999	19.2.2008	17	By promotion	SO, LGE&RD Dept. 5.1.2006
86.	Mr. Azeem Khan, B.A.	25.2.1955, Karak	1.10.1973 BPS-5	1.9.1999	19.2.2008	17	By promotion	CM, Secretariat. NWFP, 24.4.2008
87.	Mr. Abdul Saeed Khattak, BA	1.8.1951, Kohat	1.7.1980	30.12.1999	19.2.2008	17	Promotion	DDO(R) Lachi, 30.5.2008
88.	Mr. Hamesh Gul, BA	11.9.1952, Mardan	1.7.1970	30.12.1999	19.2.2008	17	Promotion	DO(R) Mardan, 16.2.2009
89.	Mr. Mir Ahmad, B.A.	9.7.1950, Peshawar	16.6.1973 BPS-5	17.5.2000	19.2.2008	17	By promotion	On LPR w.e.f. 01.01.2010
90.	Mr. Ghazi Khan.	14.5.1954	2.05.1982	17.5.2000	19.2.2008	17	By	Section Officer, (R-III),

Matric.	D.I.Khan	BPS-5							
91. Mr Anwar-ul-Haq, B.A	12.12.1955 Peshawar	12.1973 BPS-7	17.5.2000	19.2.2008	17	By promotion	E&A Dept. 14.7.2009 Section Officer, Irrigation Dept. 29.08.2009		
92. Mr. Mushtaq Ahmad Siddiq, B.A.	7.10.1952, Peshawar.	27.5.1974 BPS-7	17.5.2000	19.2.2008	17	By promotion	P.S., Chief Minister's Secretariat, NWFP, 10.7.2004		
93. Mr Muhammad Ayub, B.A.	15.12.1956, Peshawar.	28.4.1982 BPS-5	28.4.2001	19.2.2008	17	By promotion	Section Officer, Schools & Literacy Dept. 30.3.2005		
94. Mr. MuhOammad Qasim Jan, B.A.	22.4.1955 Peshawar.	20.12.1978 BPS-5	28.4.2001	19.2.2008	17	By promotion	Estate Officer, Admn: Department 26.8.2009		
95. Mr. Umer Farooq, B.A	14.1.1956 Mardan	29.5.1983 BPS-11	28.4.2001	19.2.2008	17	By promotion	SO CM Secretariat 31.7.2006		
96. Mr. Mohammad Humayun, B.A.	4.4.1961 Peshawar	30.6.1983 BPS-11	28.4.2001	19.2.2008	17	By promotion	S.O Social Welfare Dept. 05.12.2004		
97. Mr. Muhammad Iqbal, M.A.	3.5.1956 Nowshera	10.12.1974 BPS-8	29.5.2002	19.2.2008	17	By promotion	S.O. ST&IT-Dept. 4.10.2004		
98. Mr. Junaid Khan, MSc. Electrical Engineering, MA (P.Sc), MSc. Economics	23.1.1982, D.I.Khan			27.2.2008	17	Initial	DDO(J), Dargai, Malakand 12.09.2009		
99. Mr. Ihtikhar Ahmad, MSC, LLB	30.1.1976, Lakki			27.2.2008	17	Initial	Administrator Kala Dhaka 02.09.2009		
100. Mr. Tashfeen Haider, BA, LLB	5.9.1976, Kurram Ag			27.2.2008	17	Initial	DDO(R), Chitral 12.09.2009		
101. Mr. Ainullah, MA, LLB	16.2.1975, Dir, Upper			27.2.2008	17	Initial	DDO(R), Alpur Shangla 12.09.2009		
102. Mr Ahmed Zeb, MA, BED	4.2.1979, Peshawar	2.11.2005		27.2.2008	17	Initial	DDO(R), Kabal Swat 14.09.2009		
103. Mr. Farhatullah Khan Marwat, MA	7.11.1980, Lakki			27.2.2008	17	Initial	DDO(R), Totalai Buner 12.09.2009		
104. Sardar Asad Haroon, MA(IR)LLB	27.3.1979, Abbottabad			27.2.2008	17	Initial	DDO(J), Adenzai, Dir Lower 12.09.2009		
105. Mr. Asfandyar Khattak, MA	24.1.1979, Nowshera	25.9.2005		27.2.2008	17	Initial	DDO(J), Batkhela, Malakand 12.09.2009		
106. Mr. Ghulam Saeed Khan, MA	1.1.1974, Dir Lower	18.10.2003		27.2.2008	17	Initial	DDO(R), Puran, Shangla 12.09.2009		
107. Khawaja Faheem Sajjad, MA	31.3.1984, Haripur			27.2.2008	17	Initial	DDO(R), Wari, Dir Upper 12.09.2009		
108. Mr. Amanullah M.A	20/03/50 Peshawar	01/01/1971 BPS-7	29/08/95	27.5.2008	17	By promotion	Section Officer, Home & TAs Department 23.6.2008		
109. Syed Khalid	26.08.1953	25.02.1974	29.5.2002	27.5.2008	17	By	Sports, Culture & Tourism Dept		

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110.	Mehmood, Matric Mr. Mutahir Shah, D.Com	Peshawar 22.06.1953 Mardan	03.06.1974	29.05.2002	27.5.2008	17	promotion By promotion	6.8.2005 Environment Dept, 15.4.2008
111.	Mr. Qamar Ali, C.Com/M.A.	9.4.1957 Bannu	3.1.1976 BPS-7	29.5.2002	27.5.2008	17	By promotion	SO, Sports Deptt: 09.10.2009
112.	Mr. Aqeel Ahmad, M.A.	29.5.1955 Peshawar	10.1.1976 BPS-7	29.5.2002	27.5.2008	17	By promotion	SO Higher Edu. Dept 14.7.2009
113.	Mr. Habibur Rehman, M.A.	12.4.1956 Bannu	14.6.1975 BPS-7	28.5.2003	27.5.2008	17	By promotion	SO. Governor's Sectt, 5.1.2009
114.	Mr. M. Javed Khattak, Matric	20.7.1952 Peshawar	22.10.1973 BPS-5	28.5.2003	27.5.2008	17	By promotion	S.O. Finance Dept. 1.1.2005
115.	Mr. Muhammad Jamil, B.A.	19.3.1955 Peshawar	10.6.1976	21.10.2003	27.5.2008	17	By promotion	SO, Excise & Taxation Dept, 11.10.08
116.	Mr. Abdul Wali, Matric	02.05.1957 Khyber Agen	7.6.1976	31.5.2004	27.5.2008	17	By promotion	SO(L.R) Estt Dept 30.5.2006
117.	Mr. Iftikhar Ahmad Bhatti, MA, DHMS	20.11.1955, Peshawar	29.3.1976	29.12.2007	27.5.2008	17	By promotion	PS to Minister Health 10.09.2009
118.	Mr. Jehanzeb-I, F.A.	16.6.1955 Peshawar	8.2.1975	31.5.2004	27.5.2008	17	By promotion	SO, Zakat, Ushar, Social Welfare Dept. 07.11.2009
119.	Mr. Zafrullah, BA/LLB	08.02.1954 Peshawar	05.06.1976	31.05.2004	27.5.2008	17	By promotion	PS to Minister for Prison, 12.4.2008
120.	Mr. Gul Nazif Khan, C.Com	22.11.1957 Bannu	11.6.1976	3.12.1995	27.5.2008	17	By promotion	Food Dept, 17.7.2008
121.	Mr. Muhammad Usman Shah, C.Com.	16.6.1955 Bannu	9.4.1976	31.5.2004	27.5.2008	17	By promotion	SO Finance Dept 21.2.2005
122.	Mr. Anwarul Haq, MA	01.01.1957 Mardan	04.06.1976	31.05.2004	27.5.2008	17	By promotion	SO Finance Dept. 2.6.2007
123.	Mr. Muhammad Younas, B.Com	24.02.1957 Mardan	10.11.1976	31.05.2004	27.5.2008	17	By promotion	Industries Dept 2/2006
124.	Mr. Muhammad Khalid, M.A.	1.4.1956 Mansehra	20.1.1980	11.1.2005	27.5.2008	17	By promotion	S.O LGE&RD 27.11.2008
125.	Mr. Hameed-ur- Rehman, M.A	1.1.1959 Mansehra	28.8.1978	11.1.2005	27.5.2008	17	By promotion	SO Finance Dept 10.1.2007
126.	S. Lal Badshah, Matric	04.08.1957 Peshawar	10.11.1976	11.1.2005	27.5.2008	17	By promotion	SO Home & TAs Dept. 10.1.2007
127.	Mr. Muhammad Younas, M.A.	15.8.1956 Dir	23.5.1983	17.3.2006	27.5.2008	17	By promotion	SO Health Dept 8.8.2008
128.	Mr. Maqbool Khan, M.A.	3.3.1959 Karak	1.6.1983	17.3.2006	27.5.2008	17	By promotion	SO Health Dept 10.1.2007
129.	Syed Asmat Shah, M.A	6.6.1956 Malakand	7.6.1975	17.3.2006	27.5.2008	17	By promotion	Assll Director, PDMA

								31.08.2009
130.	Mr. Saïd Wahab, B A.	1 2 1952 Mardan	16 4 1977	17.3.2006	27.5.2008	17	By promotion	SO, STI, E&AD 10.1.2007
131.	Mr. Jehanzeb-II, M A	3.8.1954 Peshawar	25.4.1977	17.3.2006	27.5.2008	17	By promotion	SO, Housing Deptt: 28.10.2009
132.	Mr. Muhammad Amin, MA	25.2.1965, Malakand	16.12.1989	20.3.2008	27.5.2008	17	By promotion	APA, Mirali NWA 25.5.2009
133.	Mr. Habib-ur- Rehman, BA	21.7.1952, Mardan	23.12.1970	20.3.2008	27.5.2008	17	By promotion	LAC, SNGPL, Peshawar, 27.5.2008
134.	Mr. Miftah-ud-Din, B.Com	5.5.1951, Chitral	25.6.1971	20.3.2008	27.5.2008	17	By promotion	ACO, Chitral, 15.9.2008
135.	Mr Khalid Akbar, MA	1.6.1964, Nowshera	1.1.1992	20.3.2008	27.5.2008	17	By promotion	Railway Magistrate, Peshawar, 27.5.2008
136.	Mr Ismail Khan, BA, LLB	10.4.1952, Buner	14.8.1975	20.3.2008	27.5.2008	17	By promotion	DO(R) Buner, 27.5.2008
137.	Mr.Fazal Muhammad, BA	1.5.1961, Swabi		20.3.2008	27.5.2008	17	By promotion	DO(R) Karak, 28.3.2009
138.	Mr. Alam Zeb Khan, BA	15.6.1952, Peshawar	25.3.1974	20.3.2008	27.5.2008	17	By promotion	LAC, Kohat Tunnel Project, 23.8.2008
139.	Mr. Raj Bahadur, FA	2.4.1950, Swabi	23.5.1970	20.3.2008	27.5.2008	17	By promotion	LAC, NHA, Islamabad, 17.3.2009.
140.	Mr. Muhammad Fayyaz, BA	25.10.1964, Peshawar	1.5.1986	20.3.2008	27.5.2008	17	By promotion	APA FR, Peshawar 04.01.2010
141.	Mr. Shah Nadir, MA	2.1.1958, Chitral	23.5.1977	20.3.2008	27.5.2008	17	By promotion	Settlement Officer, Chitral 31.10.2009
142.	Mr Jehanzeb Khan, BSC, Engineering	12.4.1967 Nowshera	1.1.1992	20.3.2008	27.5.2008	17	By promotion	Magistrate, Cantonment Board, 14.1.2009
143.	Mr. Muhammad Roshan, MA	19.3.1964, SWA	1.1.1992	20.3.2008	27.5.2008	17	By promotion	APA, Upper Mohmand Agency, 03.10.2009
144.	Mr. Ijaz-ur-Rehman, MSC	9.2.1964, Abbottabad	1.1.1992	20.3.2008	27.5.2008	17	By promotion	DDO(R) Ghazi, Haripur 27.5.2008
145.	Mr Muhammad Akbar Khan, BA	2.5.1963, Mansehra	1.1.1992	20.3.2008	27.5.2008	17	By promotion	DDO(R) Battagram, 27.5.2008
146.	Mr. Samar Gul, MA	1.3.1965, Lakki Marwat	1.1.1992	20.3.2008	27.5.2008	17	By promotion	DDO(R) Lakki Marwat, 27.5.2008
147.	Mr Mansoor Qaiser, MA	30.6.1966, DIKhan	1.1.1992	20.3.2008	27.5.2008	17	By promotion	LAC, NHA, DIKhan, 27.5.2008
148.	Mr Sajid Ahmad, MA	30.4.1965, Kohat	1.1.1992	20.3.2008	27.5.2008	17	By promotion	ACO, Karak 01.12.2009

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149.	Mr. Abdul Ghafoor Shah, MSC	6.8.1967, Larki Marwat	1.1.1992	20.3.2008	27.5.2008	17	By promotion	APA, Wana SWA, 6.12.2008
150.	Mr. Muhammad Asghar, BA	15.3.1966, Larki Marwat	1.1.1992	20.3.2008	27.5.2008	17	By promotion	APO, Miranshah, NWA, 14.1.2009
151.	Mr. Mawaz Khan, Matric	25.4.1956, Khyber Agency	4.9.1978	20.3.2008	27.5.2008	17	By promotion	APA, FR Bannu, 6.12.2008
152.	Mr. Fazl-e-Qadir, MSC	1.1.1969, Karak	1.7.1995	20.3.2008	27.5.2008	17	By promotion	APA, Bara, Khyber Agency, 28.7.2008
153.	Mr. Asmatullah, MA, LLB	1.3.1956, FR Bannu	9.7.1980	20.3.2008	27.5.2008	17	By promotion	APA, Lower Orakzai Agency 25.5.2009
154.	Mr. Abdul Hadi, BA	2.2.1966, Dir Upper	1.7.1990	20.3.2008	27.5.2008	17	By promotion	Establishment Deptt:
155.	Mr. Behr-e-Karam, MA	21.12.1954, Swat	10.1.1974	20.3.2008	27.5.2008	17	By promotion	Assistant to Commissioner (Political/Dev) Malakand, 25.10.2008.
156.	Mr. Naseem Khan, MA	12.3.1968, FR, Bannu	1.3.1986	20.3.2008	27.5.2008	17	By promotion	DDO(R) Bannu, 27.5.2008
157.	Syed Muhammad Suhail, BA	29.10.1967, Peshawar	19.11.1990	20.3.2008	27.5.2008	17	By promotion	SO, FATA Sectt, 31.10.08
158.	Mr. Khalid Mumtaz Kundi, MA	24.4.1972, Tank	1.7.1995	20.3.2008	27.5.2008	17	By promotion	APA, Lower Kurram 13.11.2009
159.	Mr. Khalid Mehmood, MA	15.3.1967, DIKhan	1.7.1995	20.3.2008	27.5.2008	17	By promotion	APO, Tank SWA, 6.12.2008
160.	Mr. Hafizullah, MSC	31.12.1970, DIKhan	1.7.1995	20.3.2008	27.5.2008	17	By promotion	APA, FR, DIKhan, 6.12.2008
161.	Mr. Muhammad Bakhtiar Khan, BA, LLB	3.1.1951, Dir	1.2.1975	5.1.1993	7.11.2008	17	By promotion	DS-II, BOR, 5.11.2007
162.	Mr. Hidayatullah, BA	17.4.1957, Kurrum Agency	23.12.2985	22.5.1995	7.11.2008	17	By promotion	DDO(R), Tangi 03.12.2009
163.	Mr. Azizullah, Matric	31.5.1952, Peshawar	31.5.1972	28.5.2003	7.11.2008	17	By promotion	PS to Minister Information, NWFP, 7.11.2008
164.	Mr. Javed Akntar, FA	12.4.1958, Peshawar	16.4.1977	17.3.2006	7.11.2008	17	By promotion	SO Information Deptt, 8.6.2009
165.	Mr. Asadullah, FA	23.9.1955, Peshawar	26.7.1977	17.3.2006	7.11.2008	17	By promotion	SO Elementary & Secondary Education Deptt, 10.1.2007
166.	Mr. Atlas Khan,	7.1.1951,	16.6.1975	29.5.2006	7.11.2008	17	By	SO LGE&RD

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167.	Mr. Shabbir Ahmad Awan, Matric	5.6.1954, Mansehra	10.6.1975	29.5.2006	7.11.2008	17	By promotion	Department, 7.11.2008 SO. PHE Dept, 08.01.2010
168.	Mr. Muhammad Iqbal, Matric	15.6.1955, Mansehra	12.6.1975	29.5.2006	7.11.2008	17	By promotion	SO, Finance Dept. 3.5.2007
169.	Mr. Said Badshah, B.A.	15.5.1950, Peshawar	5.7.1977	29.5.2006	7.11.2008	17	By promotion	SO Higher Education 10.1.2007
170.	Mr. Muhammad Kibaz, D.Com	2.2.1957, Bannu	5.7.1977	29.5.2006	7.11.2008	17	By promotion	SO (Cabinet), 19.8.2008
171.	Mr. Abdul Malik, BA/LLB	3.1.1959, Peshawar	4.7.1977	29.5.2006	7.11.2008	17	By promotion	SO, Governor's Secretariat,
172.	Mr. Rizwanullah, B.A	01.01.1954, Peshawar	7.6.1975	11.12.2006	7.11.2008	17	By promotion	SO CM Secrett: 7.3.2007
173.	Mr. Raees Khan, B.A	01.01.1951, Mardan	7.6.1975	11.12.2006	7.11.2008	17	By promotion	SO CM Secrett 7.3.2007
174.	Mr. Nasrullah, Matric	9.11.1952, Peshawar	2.8.1972	5.4.2007	7.11.2008	17	By promotion	Section Officer, E&S Edu Dept 3.5.2007
175.	Syed Mubarik Shah, Matric	14.5.1955, Peshawar	23.11.1972	5.4.2007	7.11.2008	17	By promotion	Section Officer, Environment Department, 14.6.2008.
176.	Mr. Shah Alam, BA	2.1.1954, Peshawar	1.12.1972	5.4.2007	7.11.2008	17	By promotion	SO, Works & Services Dept, 7.11.2008
177.	Mr. Muhammad Saeed, Matric	12.1.1956, Peshawar	12.9.1975	5.4.2007	7.11.2008	17	By promotion	Section Officer, W&S Dept 3.5.2007
178.	Mr. Khalil-ur-Rehman, F.A	3.3.1953, Peshawar	15.9.1975	5.4.2007	7.11.2008	17	By promotion	Information Dept. 17.4.2008
179.	Mr. Ihsan Elahi, B.A.	23.3.1952, Peshawar	5.12.1972	5.4.2007	7.11.2008	17	By promotion	Section Officer (Admn) E&A Dept 7.5.2008
180.	Ms Farzana Afzal, MA	27.3.1962, Peshawar	30.4.1984	5.4.2007	7.11.2008	17	By promotion	Section Officer, Administration Dept 3.5.2007
181.	Mr. Qayum Nawaz, MA	7.4.1958, Tank	1.1.1992	20.3.2008	7.11.2008	17	By promotion	DOR, DIKhan, 26.01.2010
182.	Mr. Rehan Gul Khattak, MA.	10.1.1971, Karak	1.7.1995	20.3.2008	7.11.2008	17	By promotion	SO. FATA Sectt, 13.11.2008
183.	Mr. Javedullah Mehsood, MA	15.10.1967, S.W.A	1.7.1995	20.3.2008	7.11.2008	17	By promotion	DDO(R) Matta, 14.10.2009
184.	Mr. Jamshed Khan, FA	12.1.1954, Kohat	18.11.1975	5.4.2007	3.3.2009	17	By promotion	Section Officer, Home & TAs Department.
185.	Muhammad Nafees, Matric	6.6.1952, Malakand Agency	4.2.1976	5.4.2007	3.3.2009	17	By promotion	Section Officer, Finance Dept 3.5.2007
186.	Mr. Nimalullah, Matric.	29.4.1956, Peshawar	29.1.1976	5.4.2007	3.3.2009	17	By promotion	Section Officer, Irrigation Dept 3.5.2007

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187.	Syed Noor Ahmad Shah, M.A	25.10.1958 Peshawar	9.7.1977	5.4.2007	3.3.2009	17	By promotion	Section Officer, Finance Dept 3.5.2007
188.	Mr. Mahboob Ali B.A.	17.7.1952 Peshawar	31.7.1977	5.4.2007	3.3.2009	17	By promotion	Population Welfare Dept 24.4.2008
189.	Mr. Misal Khan, M.A.	8.1.1960 Peshawar	30.10.1979	5.4.2007	3.3.2009	17	By promotion	S.O. IPC Dept. 05.01.2010
190.	Mr. Habibullah, Matric	9.9.1966 Peshawar	1.1.1985	5.4.2007	3.3.2009	17	By promotion	PS to CS. NWFP, 30.3.2009
191.	Mr. Manzoor Elahi, B.A.	19.6.1960 Mardan	29.9.1979	5.4.2007	3.3.2009	17	By promotion	SO, Industries Dept, 13.4.2009
192.	Mr. Sardar Ali, B.A.	5.1.1959 Peshawar	1.6.1979	5.4.2007	3.3.2009	17	By promotion	Section Officer, Finance Dept 3.9.2008
193.	Mr. Mirzali, M.A.	11.2.1966 Bannu	5.8.1989	5.4.2007	3.3.2009	17	By promotion	SO, Environment Dept 15.06.2009
194.	Mr. Muhammad Saeed Ullah, B.A.	1.3.1966 Chitral	7.11.1990	5.4.2007	3.3.2009	17	By promotion	SO Office of Chief Secretary 3.5.2007
195.	Mr. Shams-ur-Rehman, Matric	8.6.1956 Chitral	2.7.1976	19.12.2007	3.3.2009	17	By promotion	SO (Budget) Administration Department, 18.4.2009
196.	Ms. Musarrat Ismail, Butt BA	1.1.1962 Peshawar	13.12.1983	19.12.2007	3.3.2009	17	By promotion	SO, Higher Education Department, 10.7.2008
197.	Mr. Salah-ud-Din, Matric	15.10.1951 Mansehra	11.8.1976	19.12.2007	3.3.2009	17	By promotion	SO, Zakat & Ushr Dept, 28.7.2008
198.	Mr. Muhammad Islam, BA	2.1.1955 Mardan	11.8.1976	19.12.2007	3.3.2009	17	By promotion	SO, MS to Governor. 10.7.2008
199.	Mr. Shabbir Muhammad, BA	1.4.1950 Kohat	20.1.1971	6.9.2008	3.3.2009	17	By promotion	ACO, Kohat, 19.3.2009.
200.	Mr. Afsar Ali Shah, MA, LLB	15.10.1963 Nowshera	1.1.1992	6.9.2008	3.3.2009	17	By promotion	DIO (R) Khawaza Khela, 12.09.2009
201.	Mr. Maqsood Hassan, MSC (Maths)	10.3.1967 Kohat	1.1.1992	6.9.2008	3.3.2009	17	By promotion	APA, Baizai Mohmand Agency 03.10.2009
202.	Mr. Muhammad Jamal Azmat MA	3.2.1967 Karak	1.7.1995	6.9.2008	3.3.2009	17	By promotion	APA Ladha, SWA. 11.3.2009
203.	Mr. Abdul Hameed Khan, MSC / LLB	9.2.1972 Malakand	29.4.1998	6.9.2008	3.3.2009	17	By promotion	Assistant Coordination Officer, Nowshera (OPS) 18.3.2009
204.	Mr. Asadullah, MA	2.3.1969 Malakand	29.4.1998	6.9.2008	3.3.2009	17	By promotion	DIO(R), Batkhela
205.	Mr. Javed Ali, MA	15.8.1969 Chitral	29.4.1998	6.9.2008	3.3.2009	17	By promotion	SO, Industries Dept 11.11.2009

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206.	Mr. Tariq Ali, MA	14.12.1970. Malakand	29.4.1998	6.9.2008	3.3.2009	17	By promotion	DDO(R), Samarbagh 01.06.2009
207.	Mr. Muhammad Rehman, MA	5.2.1965. Malakand Agen	13.1.1987	19.12.2007	25.01.2010	17	By promotion	Section Officer, Excise & Taxation, 17.3.2009.
208.	Mr. Amanullah, MA	5.12.1958. Lakki Marwat	9.7.1977	19.12.2007	25.01.2010	17	By promotion	SO, ST&IT Dept, 10.7.2008
209.	Mr. Obaid-ur- Rehman, Matric	02.06.1955 Peshawar	11.8.1976	01.03.2008	25.01.2010	17	By promotion	SO, Industries Dept, 26.12.2008
210.	Mr. Fazad Khan, B.Com	4.6.1958, Peshawar	4.7.1977	19.12.2007	25.01.2010	17	By promotion	SO, Population Welfare Deptt. 25.01.2010
211.	Mr. Waris Khan, Matric	10.1.1952. Peshawar	1.10.1971	1.3.2008	25.01.2010	17	By promotion	SO, Health Department, 10.7.2008
212.	Mr. Hassan Khan, FA	1.9.1952. Peshawar	11.8.1976	1.3.2008	25.01.2010	17	By promotion	SO, Finance Deptt. 18.01.2010
213.	Mr. Rab Nawaz, Matric	11.3.1953 Peshawar	07.09.1976	01.03.2008	25.01.2010	17	By promotion	SO, Industries Deptt. 25.01.2010
214.	Mr. Ishtiaq Hussain, BA	5.4.1951, Peshawar	4.9.1976	1.3.2008	25.01.2010	17	By promotion	SO, Energy & Power Dept. 19.11.2008
215.	Mr. Hafiz-ur- Rehman, Matric	30.4.1953, Peshawar	4.9.1976	1.3.2008	25.01.2010	17	By promotion	SO, Finance Department, 10.7.2008
216.	Syed Abdul Ali Shah, BA	13.10.1957. Mohmand Agency	26.3.1985	1.3.2008	25.01.2010	17	By promotion	SO, IPC Department, 10.7.2008
217.	Mr. Muhammad Javed Siddiqui, BA	3.1.1958, Peshawar	14.6.1975	16.4.2008	25.01.2010	17	By promotion	SO(R-IV), Establishment Deptt: 10.6.2009
218.	Mr. Iftikhar-ud- Din, BA	5.10.1962 Kohat	23.8.1983	1.3.2008	25.01.2010	17	By promotion	SO, Agriculture Dept,
219.	Mr. Javed Khan, MA	2.9.1960, Swat	31.3.1985	1.3.2008	25.01.2010	17	By promotion	SO, Transport Dept,
220.	Mr. Nasir Aman, MA	28.9.1960. Chitral	17.4.1985	1.3.2008	25.01.2010	17	By promotion	SO, Establishment Deptt, 27.10.2008
221.	Mr. Tehseenullah MA	15.4.1951. Mohmand Agency	16.7.1977	1.3.2008	25.01.2010	17	By promotion	SO, Law Department, 25.01.2010
222.	Mr. Sakhi-ur- Rehman, BA	10.3.1957. Dir	9.9.1978	1.3.2008	25.01.2010	17	By promotion	SO, PHE Department, 16.01.2010

Annex D
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ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

Government / Department served under		PERIOD OF DUTY										LEAVE TAKEN (From Column 8 to 20)																
		Leave earned on full pay 4 days for each calendar month.					Leave at Credit (column 21+6)					PERIOD		Leave on full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.		Leave on full pay on medical certificate subject to maximum of 180 days		Leave on full pay on medical certificate subject to maximum of 365 days in entire service.		LEAVE ON HALF PAY		LEAVE NOT DUE		ABSENCE				
From	To	Y.M.D	Calendar	Days	Days	From	To	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	
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North-West Frontier Province
 Provincial Management Service Rules, 2007

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
 ESTABLISHMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the 11.05.2007.

No.SOE.II(ED)2(14)2007.---In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servant Act, 1973 (N.-W.F.P. Act XVIII of 1973), the Chief Minister of the North-West Frontier Province is pleased to make the following Rules, namely:

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ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

**THE NORTH-WEST FRONTIER PROVINCE PROVINCIAL MANAGEMENT SERVICE RULES,
2007**

1. **Short title and commencement.**---(1) These rules may be called the North-West Frontier Province Provincial Management Service Rules, 2007.

(2) These rules shall come into force at once.

2. **Definitions.**---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "appointing authority" means the appointing authority as specified in rule 5 of these rules;

(b) "Commission" means the North-West Frontier Province Public Service Commission;

(c) "Department" means the Establishment and Administration Department;

(c) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;

(e) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-18 and BS-19;

(f) "Schedule" means the Schedule appended to these rules;

(g) "Service" means the Provincial Management Service;

(h) "Secretariat" means the North-West Frontier Province Civil Secretariat as defined in rule 2(r) of the North-West Frontier Province Government Rules of Business, 1985; and

(i) "share" means the share specified for distribution between All Pakistan Unified Group and Provincial Officers as per Schedule-III.

3. **Nomenclature of the posts.**---The Service shall consist of the posts as specified in Schedule-I.

4. **Method of recruitment.**---(1) The method of recruitment, minimum qualification, age limit and other matters related thereto for the Service shall be as given in Schedule-I.

(2) Fifty per cent of posts in BPS-17 shall be filled in by initial recruitment through Commission and remaining by promotion. Ten percent of Secretariat posts in BPS-17 to 19 shall be reserved for officers of technical departments on reciprocal basis. Government may reserve twenty per cent posts for leave, deputation and training etc in each pay scale.

(3) Posts specified in Schedule-II shall be filled in by Officers borne on Provincial Management Service and All Pakistan Unified Group in the ratio prescribed in Schedule-III.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the July, 25. 2012

NOTIFICATION

NO.SOE-II(ED)2(423)/2010/Vol-II:-

In pursuance of Judgment of Supreme Court of Pakistan dated 24.05.2012 in CPLAs No. 860/2010 and 861/2010 titled Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others versus Muhammad Iqbal Khattak and Ahmad Khan and Judgments of Khyber Pakhtunkhwa Services Tribunal dated 13.03.2009 & 09.04.2009 in service appeals No. 612/2008, 613/2008 & 575/2009 titled Muhammad Iqbal Khattak, Ahmad Khan & Latif-ur-Rehman versus Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others, the competent authority is pleased to ante-date the promotion of following PMS BS-17 officers w.e.f the dates as mentioned against each with all back benefits/consequential benefits and re-designate them as PCS(EG) BS-17:-

S.No.	Name of PMS BS-17 officer for ante-dated promotion as PCS (EG) BS-17	Date of ante-dated promotion as PCS (EG)
1.	Mr. Muhammad Iqbal Marwat (Retired on 31.07.2009)	27.12.2005
2.	Mr. Riaz Muhammad Baloch (Retired on 28.02.2011)	26.01.2000
3.	Mr. Muhammad Farooq	27.12.2005
4.	Mr. Zaarnat Ali (Retired on 05.03.2010)	15.05.2000
5.	Mr. Muhammad Zaheer-ud-Din (Retired on 13.08.2011)	29.05.2000
6.	Mr. Ahmad Khan Orakzai	01.06.2000
7.	Mr. Muhammad Iqbal Khattak	07.06.2000
8.	Mr. Muhammad Javed	10.01.2001
9.	Mr. Azam Jan Khalil	10.02.2001
10.	Mr. Ahmad Jan Afridi	08.04.2001
11.	Mr. Nazar Gul Mohmand	09.04.2001
12.	Mr. Muhammad Hanif (died on 31.03.2010)	14.04.2001
13.	Mr. Tahir Muhammad	27.12.2005
14.	Mr. Muhammad Rafiq (Retired on 01.03.2012)	27.12.2005
15.	Mr. Muhammad Fakhruddin	13.11.2001
16.	Mr. Farzand Ali	03.03.2005
17.	Mr. Rehmatullah Khan Wazir	13.11.2001
18.	Mr. Qaiser Khan	13.11.2001
19.	Mr. Abdul Shakoor Dawar	26.12.2001
20.	Mr. Azizullah Khan Mehsud	13.01.2002

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ENDST: NO. & DATE EVEN.

A copy is forwarded to:-

1. Additional Chief Secretary, Planning & Dev. Department, Khyber Pakhtunkhwa.
2. Additional Chief Secretary(FATA), FATA Secretariat.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. All District Coordination Officers in Khyber Pakhtunkhwa.
9. All Political Agents in FATA.
10. Accountant General, Khyber Pakhtunkhwa.
11. Accountant General(PR) Sub Office, Peshawar.
12. All District Accounts Officers in Khyber Pakhtunkhwa.
13. All Agency Accounts officers in FATA.
14. Officers concerned.
15. P.S to Chief Secretary, Khyber Pakhtunkhwa.
16. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
17. P.S to Special Secretary(Estt) Establishment Department.
18. PAs to AS(E)/AS(HRD)/DS(E) Establishment Department.
19. Office order file.

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(TABASSUM)
SECTION OFFICER(E-II)

"HISAN BEISLI"

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 612/2008

Date of Institution. .. 16.04.2008
Date of Decision .. 13.03.2009

M. Hammad Iqbal Khattak,
Assistant Political Agent, Khar Bajaur Agency. ... (Appellant)

VERSUS

1. Government of NWFP through Secretary Establishment Department, Peshawar.
2. Govt. of NWFP through Chief Secretary, Peshawar. (Respondents)

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO.SOE.II (E&D) 2 (192)2007 DATED 19.2.2008 WHEREBY THE APPELLANT WAS PROMOTED ON REGULAR BASIS W.E.F. 19.2.2008 INSTEAD OF 30.11.1999 AND ORDER NO.SOE-II (E&D) 2(192) WHEREBY HIS DEPARTMENTAL APPEAL WAS DISMISSED.

MR. SHAKEEL AHMAD,
Advocate ... For appellant.

MR. ZAHID KARIM KHALIL, ... For respondents.
Addl. Government Pleader,

MR. JUSTICE (R) SALIM KHAN, .. CHAIRMAN.
MR. BISMILLAH SHAH, .. MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.-The present appeal No. 612 of 2008 by Muhammad Iqbal Khattak and appeal No. 613 of 2009 by Ahmad Khan involved similar questions of law, therefore, these are taken together for arguments and disposal.

2. Muhammad Iqbal Khattak was promoted as Tehsildar on regular basis vide order dated 28.12.1988. He was promoted to PCS(E.G) (BPS-17) on temporary basis vide notification dated 06.03.1996. He contended that many posts became vacant, but the appellant was promoted to (BPS-17) on regular basis on 19.2.2008 with immediate effect, instead of ante-dating of his promotion to the date on which the vacancy fell to his turn in the

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Seniority lists of officers of PCS (E.G). His departmental appeal was rejected on 22.03.2008. The present appeal was filed on 16.4.2008 which is within time. The case of Ahmad Khan (Appellant) is similar to the case of Muhammad Iqbal Khattak on facts also. His appeal is also within time.

3. The respondents contested the appeal on many grounds, including the ground that no one could claim a vested right in promotion or in the terms and conditions for promotion to a higher post.

4. We heard the arguments and perused the record.

5. The learned counsel for the appellants contended that the appellants were temporarily posted to BPS-17 post on 06.3.1996, but they remained silent, because they did not have a vested right for promotion to a higher post. The appellants have already been considered for promotion and have been found eligible and fit for regular promotion to BPS-17 post, therefore, the principles embodied in the judgment of the August Supreme Court of Pakistan reported as 1990 SCMR 1321 are not applicable to their cases. In fact, the vacancies had become available for the appellants as early as on 30.11.1999, and it was the responsibility of the official respondents to expeditiously deal with the cases of the appellants for their regular promotion. The appellants could not be punished for no fault on their side, or for delay caused by the official respondents in processing the cases of the appellants. He relied on 1997 PLC (C.S) 77, wherein it has been held in para 3 as under:-

"On behalf of the Government it is contended that no civil servant has a right to claim that he should be promoted from a back date even though a vacancy may be existing on the date from which the promotion is being claimed. This is no doubt true but there are no orders by the Government that the respondents/ petitioners should be held up for some time. The delay in making the promotions occurred entirely due to the reason that the officials of the Education Department could not carry out a fairly simple exercise within a reasonable period. In the circumstances it will not be appropriate for this Civil Petition to interfere with the order of the Service Tribunal. Leave is refused."

This judgment was in the petition for leave to appeal against the judgment dated 19.02.1995 of the Punjab Service Tribunal. It is worth-mentioning that

the judgments cited as 1990 SCMR 1321 and cited as 1997 PLC (C.S) 77 are on two different aspects of the same subject.

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6. Ante-dating of promotion, after consideration of the candidate aspiring for such promotion, after he was found eligible and fit for such promotion and is promoted, is an established principle of law. Such a candidate cannot be punished for any delay caused by the department in processing his case for promotion. The order of promotion, therefore, has to be ante-dated to the date on which the vacancy for his turn became available or to the date on which he actually took charge of the post on officiating/acting charge basis, whichever is later.

7. The A.G.P contended that the present appeals were miserably time-barred and both the appellants were stopped by their own conduct to file the present appeals. In fact, the principle embodied in the judgment reported as 1990 SCMR 1321 was applicable to the cases of the appellants from 06.3.1996 to 18.2.2008. They could not claim promotion as of right. The principle embodied in the judgment reported as 1997 PLC (C.S) 77 became applicable to their case on 19.2.2008. Cause of action arose to the appellants for claiming ante-dation of their promotion as prayed for only when their cases were considered for promotion, they were found eligible and fit for promotion, and their promotion orders were issued, though with immediate effect. They filed their departmental appeals within time from the date of the impugned order dated 19.2.2008, and their appeals were rejected on 22.3.2008. They filed Service Appeals on 16.04.2008. The departmental appeals as well as the Service Appeals were well within time.

8. The A.G.P further contended that, according to the proviso contained in sub-section (2) of Section 22 of the N.W.F.P Civil Servants Act 1973, "no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade." Judgment cited as 1990 SCMR 1321 was, then, applicable and appellants could not file representation. This stage has already passed. The appellants have been considered for holding the higher post after their promotion to that higher post, and their fitness for such promotion and holding of post has already been determined. The judgment cited as 1997

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"8. Repeal. - The North-West Frontier Province Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand repealed after the retirement of existing incumbents of both the cadres. Separate seniority list of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of 50:50. The existing incumbents of PCS (E.G) and (S.G) in different pay scales, for the purpose of their promotion, shall continue to be governed under the said service rules till the retirement of the last such incumbent."

The above rule, by itself, clarifies that the rules of 1997 shall not stand repealed before the retirement of the existing incumbents of both the cadres of Secretariat/Executive Groups, and shall remain in force till the retirement of the last such incumbent. It further clarified that separate seniority list of both the cadres shall be maintained under the existing rules. The existing rules for such incumbents are the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997. It was also clarified that such incumbents shall be promoted at the ratio of 50:50. It means that out of each two vacancies, one vacancy shall be given to Secretariat Group, while another vacancy shall be given to the Executive Group. Further clarification is to the effect that the existing incumbents of PCS (E.G) and (S.G) in different pay scales shall continue to be governed under the rules of 1997 for the purpose of their promotion, and this process is to continue till the retirement of last such incumbent. Both the appellants belonged to the Executive Group of Civil Servants. They were to be governed under the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 before 11.05.2007, and they have to be governed under the above mentioned rules of 1997 till the retirement of the last incumbent of a post in Secretariat Group/Executive Group.

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11. The cases of the appellants are, therefore, to be governed in accordance with the provisions of Section 8 (quoted above) of the new N.W.F.P Provincial Management Service Rules, 2007. The record shows that vacancies were available for the appellants but they were not promoted at the due time and their cases for promotion were delayed unnecessarily without any fault of the appellants. They, therefore, are entitled to ante-dation of their promotion, against the first available vacancy falling to the turn of each of them or from the date of taking over the charge of that vacancy on officiating/acting charge basis, whichever is later.

(3)

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12. In the light of the above, we accept both the appeals, and direct the official respondents to ante-date the promotion of each of the two appellants to the respective dates on which a vacancy became available for the respective turn of the appellants or from the respective dates of their taking charge of such vacancy on officiating/acting charge basis, whichever is later. The appellants are entitled to the costs of their respective litigation from the official respondents.

ANNOUNCED
11.03.2009

Ch. Justice S. Jagan Mohan
Chairman
Dr. B. S. N. Murthy
Member

REGISTERED BY THE GOVT. OF AP
Dr. K. S. Murthy
Member Secretary

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE EJAZ AFZAL KHAN,
MR. JUSTICE MUHAMMAD ATHER SAEED.

C. AS No.860 to 861 of 2010.
(On appeal against the judgment dt.
11.03.2009 passed by NWFP Service
Tribunal, Peshawar in Appeals No.612
and 613 of 2008

Govt. of NWFP thr. Secy. Establishment and another. (in both cases)
.....Appellants

Versus

Muhammad Iqbal Khattak. (In C.A.860/10)
Ahmed Khan (In C.A. 861/10)
.....Respondents

For the appellants Mian Muhibullah Kakakhel, Sr. ASC.
Miss. Tehmina Muhibullah, ASC
Mir Adam Khan, AOR.
(in both)

For the respondents: Hafiz S.A. Rehman, Sr. ASC
Mr. Shakeel Ahmed, ASC
(in both)

Date of hearing: 24.05.2012

JUDGMENT

EJAZ AFZAL KHAN, :- These appeals with the leave of the court have arisen out of the judgment dated 11.03.2009 of the service Tribunal whereby appeals filed by the respondents were allowed.

2. The points raised and noted while granting have read as under:-

“We have heard the learned counsel at some length. We are inclined to grant leave inter-alia on the point as to whether the legal and actual aspects of the controversy have been dilated upon and decided by the Tribunal in accordance with relevant Rules i.e. Rule 8 of the NWFP, Provincial Civil Service (Secretariat/ executive Group) Rules. 1997 and Rule 9(6) of the NWFP Civil Servants (appointment, promotion and transfer) Rules, 1989 it is also to be exercised as to whether that stop-gap-appointment can be equaled to that of regular promotion and besides that the order passed by the learned Service Tribunal could be made applicable to (not readable)

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13

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN,
MR. JUSTICE MUHAMMAD AHER SAIED.

C. As. No. 860 to 861 of 2010.
(On appeal against the judgment dt.
11.3.2009 passed by NWFP Service
Tribunal, Peshawar in Appeals No. 612
and 613 of 2000).

Govt. of NWFP thr. Secy. Establishment and another.

(in both cases)
...Appellants

Muhammad Iqbal Khattak,
Ahmed Khan.

Verus.

(in CA.860/10)
(in CA.861/10)
...Respondents

For the appellants:

Mian Muhibullah Kakakhel, Sr.ASC.
Miss. Tehmina Muhibullah, ASC.
Mir Adiam Khan, AOR.
(in both)

For the respondents:

Hafiz S. A. Rehman, Sr.ASC.
Mr. Shakoel Ahmed, ASC
(in both).

Date of hearing:

24.05.2012.

JUDGMENT

EJAZ AFZAL KHAN, J. — These appeals with the leave of the

Court have arisen out of the judgment dated 11.3.2009 of the Service
Tribunal whereby appeals filed by the respondents were allowed.

2. The points raised and noted while granting leave read as
under:

"We have heard the learned counsel at some length. We are
inclined to grant leave insofar as the point as to whether
the legal and factual aspects of the controversy have been
dilated upon and decided by the Tribunal in accordance with
relevant Rules i.e. Rule 4 of the NWFP Provincial Civil
Service (Secretariat/Executive Group) Rules, 1997 and Rule
9(G) of the NWFP Civil Servants (Appointment, Promotion
and Transfer) Rules, 1989; it is also to be examined as to
whether the stop-gap arrangement can be requested to that of
regular promotion and besides that the order passed by the
learned Service Tribunal could be made applicable to all."

Supernumerary
Supreme Court of Pakistan
ISLAMABAD

Tehsildars who are awaiting their promotion, since a short question of law is involved in the matter therefore, the case be listed after four weeks subject to limitation in the meanwhile operation of the impugned judgment shall remain suspended".

(35)

3. Learned Counsel appearing on behalf of the appellants contended that through the Governor of the Province in consultation with the (not readable) to order the promotion of the respondents in BPS-16 as Extra Assistant Commissioner in BPS-17 in the Ex. PCS (E.B) Cadre with immediate effect on purely temporary basis vide notification dated Peshawar 6th March, 1996, yet it could not earn them any benefit or entitle them to a vested right notwithstanding they have been promoted on regular basis with immediate effect vide notification dated 19.02.2008. They, the learned counsel added, could not have claimed any ante-dated promotion even on the occurrence of any vacancy in such scale in violation of section 8 of the Civil Services Act or Rule 9 of NWFP Civil Service (Executive Group) Rules, 1997, as decidedly promotion is not a vested right, Appeal before the department authority, the learned counsel added, or before the Tribunal claiming ante-dated promotion was, therefore, misconceived. The learned Tribunal, the learned counsel maintained, could (not readable) it tended to mar the seniority of many other I the run. The learned Counsel to support his contention placed reliance on the cases of "Wajahat Hussain Assistant Director, Social Welfare, Lahore and others, Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 81 others" (PLD 1991 5-C, 82), "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore, Vs. Government of the Punjab through Secretary, Labour Department and others" (1988 SCMR 1201), "Nazeer Ahmed. Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others" (2001 SCMR 352), "Government of Pakistan through Establishment.

(35)

Tehsildars who are awaiting their promotion. Since a short question of law is involved in the matter, therefore, the case be listed after four weeks subject to limitation. In the meanwhile operation of the impugned judgment shall remain suspended.

3. Learned counsel appearing on behalf of the appellants contended that though the Governor of the Province in consultation with the respondents in BPS-16 as Extra Assistant Commissioner in DPS-17 in the PCS (E.B) Cadre with immediate effect on purely temporary basis vide notification dated Peshawar 6th March, 1996, yet it could not earn them any benefit or entitle them to a vested right notwithstanding they have been promoted on regular basis with immediate effect vide notification dated 19.2.2008. They, the learned counsel added, could not have claimed any ante-dated promotion even on the occurrence of any vacancy in such scale in violation of Section 8 of the Civil Services Act or Rule 9 of NWFP Civil Service (Executive Group) Rules, 1997, as decidedly promotion is not a vested right. Appeal before the departmental authority, the learned counsel added, or before the Tribunal claiming ante-dated promotion was, therefore, misconceived. The learned Tribunal, the learned counsel maintained, could not have granted such benefit when it found in favor the seniority of many others in the run. The learned counsel to support his contention placed reliance on the cases of "Wajahat Hussain, Assistant Director, Social Welfare, Lahore and 7 others, Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 81 others" (PID 1991 S.C. 02), "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore, Vs. Government of the Punjab through Secretary, Labour Department and others" (1989 SCMR 1701), "Nasir Ahmed, Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others" (2001 SCMR 352), "Government of Pakistan through Establishment

ATTES...E

Superintendent
Supreme Court of Pak
Islamabad

Division, Islamabad and 7 others, Vs. Hameed Akbar Niazi, Academy of Administrative, Walton Training, Lahore and others"(PLD 2003 S.C 110). The learned counsel next contended that a change in scale by means of promotion is not automatic but dependent on a process involving selection, therefore any change in scale without such process being violative of the relevant law and rules, cannot be maintained. The learned counsel to support his contention placed reliance on the case of "Abid Hussain Sherazi, Vs. Secretary M/o Industries and production, Government of Pakistan, Islamabad" (2005 SCMR 1742).

4. As against that learned counsel appearing on behalf of the respondents defended the impugned judgment by contending that where a vacancy occurs in the next higher scale, the Civil Servant officiating or working on acting charge basis there against is not considered for promotion or the process of regular promotion is delayed on account of lethargic attitude of the competent authority or any other exigency so called, the Civil Servant who is subsequently found fit for such promotion on regular basis cannot be deprived of the salary and other consequential benefits attached to such post. Learned counsel to support his contention placed reliance on the case of "Luqman Zareen and others, Vs. Secretary Education, NWFP and others" (2006 SCMR 1938). The learned counsel next contended that through the NWFP Civil Service (Secretariat Group) Rules, 1997 have been substituted by the NWFP provincial Management Service Rules, 2007 but the rights of the existing incumbents of both the cadres have been protected by Rule 8 of the respondents or rights accruing there under. The learned counsel next contended that if the concluding paragraph of the impugned judgment is read none of the rights of any of the officers including then seniority has been affected.

CAs.800 2011/2010


(S)
38

Division, Islamabad and 7 others. Vs. Hameed Akhtar Niazi, Academy of Administrative, Wallon Training, Lahore and others" (PLD 2003 S.C. 110).

The learned counsel next contended that a change in scale by means of promotion is not automatic but dependent on a process involving selection, therefore, any change in scale without such process being violative of the relevant law and rules, cannot be maintained. The learned counsel to support his contention placed reliance on the case of "Abid Hussain Sherazi. Vs. Secretary M/o Industries and Production, Government of Pakistan, Islamabad" (2005 SCMR 1742).

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ATTESTED


Attendant
(Signature)

"Luqman Zareen and others. Vs Secretary Education. NWFP and others"

(2006 SCMR 1938), this Court while dealing with in identical issue held as under:-

It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31.08.2000 which could have (not readable) them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red (not readable) which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a Civil servant could be promoted; where a post was available against which a civil servant could be promoted; there such a civil servant was qualified to be promoted to such higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently, found for the said promotion and was so promoted on regular basis then he was (not readable) not only the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly"

While dealing with the reservations of the nature expressed by the learned counsel for the appellant, this Court held as under:-

"A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a person who was risked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc, attaching to such a post for the period that he held the same, that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a Civil Servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deceived to have been so promoted to the same from the date from

(38)

"Lugman Zareen and others, Vs. Secretary Education, NWFP and others"
(2006 SCMR 1930), this Court while dealing with an identical issue held as under :-

"It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31.8.2000 which could have disentitled them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red-tapism which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted; where such a civil servant was qualified to be promoted to such a higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly"

While dealing with the reservations of the nature expressed by the learned counsel for the appellant, this Court held as under :-

"A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a person who was tasked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc, attaching to such a post for the period that he held the same; that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deemed to have been so promoted to the same from the date from

ATTESTED

Secretary
Court of Pakistan

39

Which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise.

When this being the state of things on factual and legal plain, we don't think the judgment of the learned Service Tribunal is open to any exception. The judgments rendered in the cases of "reliance on the cases of "Wajahat Hussain Assistant Director, Social Welfare, Lahore and others, Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 81 others"" "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore, Vs. Government of the Punjab through Secretary, Labour Department and others" "Nazeer Ahmed, Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others" "Government of Pakistan through Establishment Division, Islamabad and 7 others, Vs. Hameed Akbar Niazi, Academy of Administrative, Walton Training, Lahore and others" and "Abid Hussain Sherazi, Vs. Secretary M/o Industries and production, Government of Pakistan, Islamabad", (Supra) cited by the learned counsel for the appellants are not applicable to the case in hand because of their distinguishable facts and features.

9. For the reasons discussed above, these appeals being without merit are dismissed.

Islamabad
(not readable) 2012

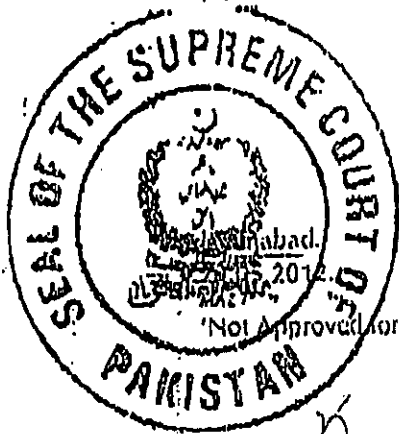
Not approved or reporting

(39)

which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise".

When this being the state of things on factual and legal plain, we don't think the judgment of the learned Service Tribunal is open to any exception. The judgments rendered in the cases of "Wajahat Hussain, Assistant Director, Social Welfare, Lahore and 7 others. Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 01 others", "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore. Vs. Government of the Punjab through Secretary, Labour Department and others", "Nazim Ahmad, Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others", "Government of Pakistan through Establishment Division, Islamabad and 7 others. Vs. Hameed Akhtar Niaz, Academy of Administrative, Walton Training, Lahore and others" and "Abid Hussain Sherazi, Vs. Secretary M/o Industries and Production, Government of Pakistan, Islamabad", (supra) cited by the learned counsel for the appellants are not applicable to the case in hand because of their distinguishable facts and features.

9. For the reasons discussed above, these appeals being without merit are dismissed.



Handwritten signatures and notes:
Pdt. Justice Ijaz Ahmad
Pdt. Muhammad Anwar (Pdt. J)
Certified to be True Copy
4/16/12
Superintendent
Supreme Court of Pakistan
ISLAMABAD

3791

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Compared by: Sh. Roshan Nawaz Adv.
Received by:

Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

No. SO (Prisons)/HD/1-1/Gen.Misc/2016
Peshawar, dated the 25th July, 2016

Annex-5

(S)

*Received
01:30 PM
25/7/16*

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To.

The Hon'ble Chief Minister,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - APPEAL / REPRESENTATION.

Dear Sir,

With due respect the appellant submits as under: -

1. That the appellant was appointed as Naib Tehsildar through Khyber Pakhtunkhwa Public Service Commission vide order dated 13/07/1998. (Copy is Annex-1)
2. That the appellant was promoted to the post of Tehsildar (BS-16) on regular basis vide order dated 06/09/2008. (Copy is Annex-2)
3. That the appellant was placed at serial No. 40 in the Seniority list of regular Tehsildar (BS-16) stood on 30/09/2008. (Copy of Seniority list dated 30/09/2008 is Annex-3)
4. That some colleagues of the appellant from the seniority list dated 30/09/2008 were promoted to the post of PMS Officer (BS-17) on regular basis on 07/11/2008. The appellant was promoted to the post of PMS officer (BS-17) on regular basis on 03/03/2009 and one of the appellant colleague from the seniority list dated 30/09/2008 was promoted to the post of PMS officer (BS-17) on regular basis on 21/12/2011. The appellant's colleagues were placed at serial No. 35, 52 and 369 while the appellant was placed at serial No. 175 of the tentative seniority list stood on 26/01/2012. (Copy of tentative seniority list dated 26/01/2012 is Annex-4).
5. That the Establishment Department unnecessarily delayed the promotion processes of the officers from Tehsildar cadre against which Tehsildar Muhammad Iqbal Khattak and Ahmad Khan went in appeal No. 612/2008 to the Khyber Pakhtunkhwa Service Tribunal. The appeal was decided in their favour vide Judgment dated 13/03/2009. (Copy of Judgment dated 13/03/2009 is Annex-5)
6. That the Department appealed against the Judgment dated 13/03/2009 which was dismissed by the Supreme Court vide Judgment dated 24/05/2012. (Copy of Judgment dated 24/05/2012 is Annex-6)
7. That benefit of the Judgment dated 24/05/2012 was extended to all the colleagues of the appellant as they were placed in the seniority list of PCS (EG) officers (BS-17) on the one hand and on the other, they were given ante date promotion while the appellant was ignored.

F)

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8. That vide notification dated 18/07/2016 the provincial Government has brought amendments in section 4-A of the PMS Rules, 2007 by introducing Separate "schedule-VIII" for Tehsildar cadre and separate "schedule-IX" for Superintendent, private secretaries and personal Assistants cadre. (Copy of notification dated 18/07/2016 is Annex-7).

It is, therefore, humbly requested that keeping in view the amended section 4-A of the PMS rules 2007, the name of the appellant may kindly be included in the seniority list of PCS (EG) officers (BS-17) without affecting the rights of any other officer please.

Thanks.

Dated 25/7/2016

Yours Obediently
(Asadullah Khan) 25/7/2016
Section Officer (Prisons)
Home & Tribal Affairs Department
Khyber Pakhtunkhwa.

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(42)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar the 30th Sep, 2021

NOTIFICATION

No SOE-II (21) 2 (574)/2009:- Whereas, Mr. Asadullah Khan then (PMS BS-17) now PMS (B-18) filed a Writ Petition No. 2041-P/2017 before Peshawar High Court Peshawar to extend benefit of Supreme Court's Judgment dated 24/05/2012 in CA No. 860 to 861 of 2010.

And Whereas, Peshawar High Court Peshawar observed that the case of Petitioner falls in terms and conditions of service, wherein jurisdiction of Peshawar High Court Peshawar is excluded under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 and dismissed it being not maintainable vide Judgment dated 19/12/2012:

And Whereas, Peshawar High Court Peshawar in the ibid Judgment, however, expected that the Petitioner's Departmental Appeal shall be decided in accordance with law and regulations speaking under:

And Whereas, Mr. Abdullah Khan the (PMS BPS-17) now PMS (BS-18) has been considered on the grounds that Mr. Asadullah Khan was appointed as Naib Tehsildar (BS-14) vide order No. 8019/2/654 (AC) dated 13/07/1998.

And Whereas, he was promoted to the post of Tehsildar (BS-16) on 06/09/2008 and subsequently to the post of PMS (BS-17) vide Notification No. SOE-II (ED)2(192) 2009, dated 03/03/2009.

And Whereas, upon the representation of Provincial Selection Board and approval of competent authority he was further promoted to PMS (BS-18) on regular basis vide Notification No. SO (E1) E&AD/6-1/2021 dated 21/01/2021.

And Whereas, the benefit of ante-date promotion extended to the officers vide Notification No. SOE-II (ED) 2 (423)/2010/Vol-II, dated 25/07/2012 cannot be extended to Mr. Asadullah Khan PMS (BS-18) being neither identical nor on merit and hence regretted on the grounds that those officers who were extended the benefits in pursuance of Supreme Court of Pakistan Judgment in CPLAs No. 860/2010 and 861/2010 and Judgments of Khyber Pakhtunkhwa Service Tribunal dated 13/03/2009 & 09/04/2009 in Service Appeal No. 612/2008, 613/2008, & 575/2009 holding charge of the post of Tehsildars (BS-16) on regular basis on the even of appointment on acting charge basis/posting as Extra Assistant Commissioners (BS-17) vide order dated 06/03/1996: and at the time Mr. Asadullah was in not in service as Naib Tehsildar (BS-14) vide Order No. 8019/2/654 (AC) dated _____.



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)**

Ann G
42

Dated Peshawar the 30th Sep. 2021

NOTIFICATION

NO. SOE-II(ED)2(574)/2009: Whereas, Mr. Asadullah Khan then (PMS BS-17) now PMS (BS-18) filed a Writ Petition No. 2041-P/2017 before Peshawar High Court Peshawar to extend benefit of Supreme Court's Judgment dated 24/05/2012 in C.A No. 860 to 861 of 2010:

And Whereas, Peshawar High Court Peshawar observed that the case of petitioner falls in terms and conditions of service, wherein jurisdiction of Peshawar High Court Peshawar is excluded under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 and dismissed it being not maintainable vide judgment dated 19/09/2012:

And Whereas, Peshawar High Court Peshawar in the *ibid* judgment, however, expected that the petitioner's departmental appeal shall be decided in accordance with law and regulations through speaking order:

And Whereas, Mr. Asadullah Khan the (PMS BS-17) now PMS (BS-18) has been considered on the grounds that Mr. Asadullah Khan was appointed as Naib Tehsildar (BS-14) vide Order No. 8019/2/654(AC), dated 13/07/1998:

And Whereas, he was promoted to the post of Tehsildar (BS-16) on 06/09/2008 and subsequently to the post of PMS (BS-17) vide Notification No. SOE-II(ED)2(192)2009, dated 03/03/2009:

And Whereas, upon the recommendation of Provincial Selection Board and approval of competent authority, he was further promoted to PMS (BS-18) on regular basis vide Notification No. SO(E.I)E&AD/6-1/2021, dated 21/01/2021:

And Whereas, the benefit of ante-date promotion extended to the officers vide Notification No. SOE-II(ED)2(423)/2010/Vol-II, dated 25/07/2012 cannot be extended to Mr. Asadullah Khan PMS (BS-18) being neither identical nor on merit and hence regretted on the grounds that those officers who were extended the benefits in pursuance of Supreme Court of Pakistan judgment in CPLAs No. 860/2010 and 861/2010 and judgments of Khyber Pakhtunkhwa Services Tribunal dated 13/03/2009 & 09/04/2009 in Service Appeals No. 612/2008, 513/2008 & 575/2009 holding charge of the post of Tehsildars (BS-16) on regular basis on the eve of appointment on acting charge basis / posting as Extra Assistant Commissioners (BS-17) vide order dated 06/03/1996: and at the time Mr. Asadullah was not in service and entered into service as Naib Tehsildar (BS-14) vide Order No. 8019/2/654(AC), dated 13/07/1998:

9/11/21

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(43)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

And whereas, the Anti-dated promotion is neither covered under the promotion policy nor any statutory provision and extended to the officers vide notification No. SOE-II (ED)2(423)/2010/Vol-II, dated 25/07/2012 by order of the August Supreme Court of Pakistan.

And whereas, in the aforementioned CPLAs/Service Appeal neither Mr. Asadullah Khan (PMS BS-18) was Petitioner nor at that time promoted on regular basis as PMS (BS-17), as the Petitioner in the aforementioned CPLAs/Service Appeal were in BS-17 on regular basis and senior to him his appointment;

Now therefore, upon considering all the relevant record and Khyber Pakhtunkhwa Provincial Management Rules, 2007 read with Khyber Pakhtunkhwa Civil Servant Act, 1973 and Khyber Pakhtunkhwa Promotional policy, the Departmental Appeal of Mr. Asadullah Khan (PMS-18) is hereby regretted being devoid of merit/Act/Rules & Policy.

CHIEF SECRETARY KHYBER PAKHTUNKHWA

Copy of the above forwarded to the:

1. Registrar, Peshawar High Court, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Additional Secretary (Judgment) Establishment Department, Khyber Pakhtunkhwa.
4. PS to Chief Secretary Khyber Pakhtunkhwa.
5. Mr. Asadullah Khan (PMS BS-18) Additional deputy Commissioner (F&P), District Shangla /appellant.
6. Section Officer (Lit-I, II,III) Judicial Wing, Establishment Department.
7. PS to Secretary Establishment, Khyber Pakhtunkhwa.
8. PS to Special Secretary (Estab), Khyber Pakhtunkhwa.
9. PA to Additional Secretary (Estab), Khyber Pakhtunkhwa.

(MUHAMMAD IRFNA USMAN)

SECTION OFFICER (-II)

ESTABLISHMENT DEPARTMENT



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)**

(43)

And Whereas, the Ante-dated promotion is neither covered under the promotion policy nor any statutory provision and extended to the officers vide Notification No. SOE-II(ED)2(423)/2010/Vol-II, dated 25/07/2012 by order of the August Supreme Court of Pakistan;

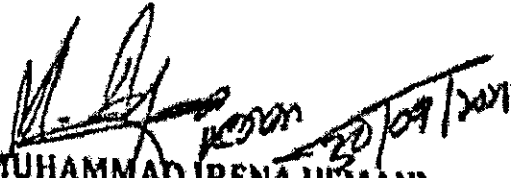
And Whereas, in the aforementioned CPLAs / Service Appeal neither Mr Asadullah Khan (PMS BS-18) was petitioner nor at that time promoted on regular basis as PMS (BS-17), as the petitioners in the aforementioned CPLAs / Service Appeals were in BS-17 on regular basis and senior to him since his appointment;

Now Therefore, upon considering all the relevant record and Khyber Pakhtunkhwa Provincial Management Rules, 2007 read with Khyber Pakhtunkhwa Civil Servant Act, 1973 and Khyber Pakhtunkhwa Promotional Policy, the departmental appeal of Mr. Asadullah Khan (PMS BS-18) is hereby regretted being devoid of merit / Act / Rules & Policy.

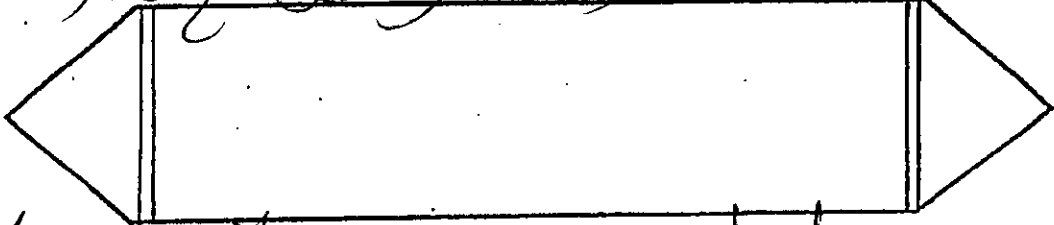
CHIEF SECRETARY, KHYBER PAKHTUNKHWA

Copy of the above is forwarded to the:-

1. Registrar, Peshawar High Court, Peshawar
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. Additional Secretary (Jud), Establishment Department, Khyber Pakhtunkhwa
4. PSO to Chief Secretary, Khyber Pakhtunkhwa
5. Mr. Asadullah Khan (PMS BS-18), Additional Deputy Commissioner (F&P), District Shangla / Appellant.
6. Section Officer (Lit-I, II, III) Judicial Wing, Establishment Department
7. PS to Secretary Establishment, Khyber Pakhtunkhwa
8. PS to Special Secretary (Estab), Khyber Pakhtunkhwa
9. PA to Additional Secretary (Estab), Khyber Pakhtunkhwa


(MUHAMMAD IRFANA USMAN)
SECTION OFFICER (E.II)
ESTABLISHMENT DEPARTMENT

بعدالت سرویس ٹریبونل لکھنؤ



اسٹیشنر

2022ء پنجاب
بنام

7/10/21

موزخہ

مقدمہ

دعویٰ

جرم

عسکر علی ایمل
اللہ اللہ خان بیگ حکومت

باعث تحریر آنکہ

اسٹیشنر

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایمل کی برآمدگی اور منسوخ

نیز دائر کرنے ایمل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ مندر ہے۔

7
ماہ 20

المرقوم

کے لئے منظور ہے۔

بمقام 10/9

ATTESTED

BE 105506

Amjad Ali
Adnan
Mann



10/01 3470289.3

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7588 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/10/2021	<p>The appeal of Mr. Asad Ullah Khan resubmitted today by Mr. Amjad Ali 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-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>16/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	16.12.2021	<p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant seeks adjournment. Adjourned. To come up for written reply/comments on 17.02.2022 before S.B.</p> <p style="text-align: right;">(MIAN MUHAMMAD) MEMBER (E)</p>

16.12.2021

Counsel for the appellant present.

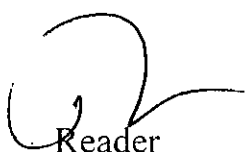
Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 17.02.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

17.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.



Reader

12.05.2022

Junior to counsel for appellant present with a request for adjournment as senior counsel for appellant is busy before august Supreme Court of Pakistan. Adjourned. To come up for preliminary hearing on 19.07.2022 before S.B.



(Rozina Rehman)
Member (J)