

27.11.2021 A No 23/2014

Proper D.B is not available, therefore, case is adjourned to 28/2/2022 for the same as before.

28-2-22

Due To Retirement of the Hon,ble
Chairman the case is adjourned
on 28-2-22

Reader

Reader -

being a Council
of the appellant
withdraw the service
appeal.

07th April, 2022

Miss Naila Jan, Advocate, Learned counsel for the appellant present and requested for withdrawal of the appeal. As a token of admission of her submission she signed the margin of order sheet. Her Wakalatnama is found placed on file.

2. This appeal is, therefore, dismissed as withdrawn in view of request of the counsel for the appellant. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 07th day of April, 2022.

(Mian Muhammad)
Member(E)

(KALIM ARSHAD KHAN)
Chairman

A No. 23/2014

Miss Naila Jan, Advocate,

07th April, 2022

Learned counsel for the appellant present and requested for withdrawal of the appeal ~~unconditionally~~.

As a token of admission of ^{her} ~~his~~ submission ^{she} ~~he~~ signed the margin of order sheet.

Her wakalatnama is found placed on file.

2. This appeal is, therefore, dismissed as withdrawn in view of request of the ^{counsel for the} appellant. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 07th day of April, 2022.*

(KALIM ARSHAD KHAN)
Chairman


Miss Noreen Tom, Advisor,

Her work is found placed on the
ground for the
|



30-12-2020

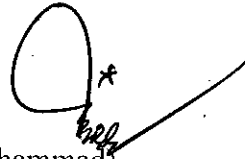
Due to summer vacation, case is adjourned to
17-3-2021 for the same as before.


Reader

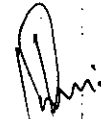
17.03.2021

Counsel for the appellant and Mr. Muhammad Rashid,
DDA for the respondents present.

To come up alongwith the appeal No. 22/2014 on
30.04.2021 for hearing before the D.B.



(Mian Muhammad)
Member (E)



Chairman

30-4-21

*Due to COVID-19, the case is
adjourned to 4-8-2021 for the same.*

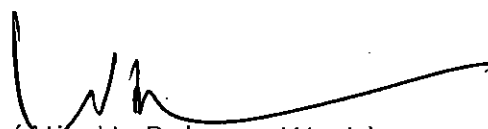

Chairman

04.08.2021

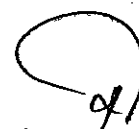
Appellant present through counsel.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General
present.

File to come up alongwith connected appeal No.22/2014 on
24.11.2021 before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

12.06.2020

None present on behalf of appellant. Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Adjourned. To come up for arguments on 03.07.2020 before D.B. Appellant and his counsel be put to notice for the date fixed.



(Rozina Rehman)
Member



(M.Amin Khan Kundi)
Member

03.07.2020

Due to COVID-19, the case is adjourned to 19.08.2020 for the same.



Reader

19.08.2020

Due to summer vacations, the case is adjourned to 29.10.2020 for the same.



Reader

29.10.2020

Proper² D.B is on Tour, therefore, the case is adjourned for the same on 30.12.2020 before D.B.



Reader

12.02.2020

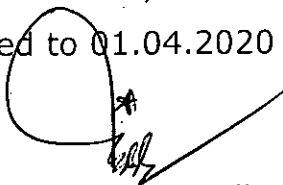
Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG. alongwith Mr. Iftikhar Junior Clerk for the respondents present. Representative of the respondent No. 1 & 2 seeks adjournment on the ground that counsel for the respondent No. 1 & 2 not available today. Adjourned. To come for arguments on 05.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

05.03.2020


Appellant in person and Mr. Iftikhar, Junior Clerk on behalf of respondents No. 1 & 2 and Mr. Ziaullah, Deputy District Attorney for the respondent No. 3 present. Adjourned to 01.04.2020 for arguments before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

01.04.2020

Due to public holiday on account of COVID19, the case is adjourned to 12.06.2020 for the same as before.


Reader

07.11.2019 Appellant in person present. Mr. Usman Ghani, District Attorney present. Junior to counsel for respondents no. 1 and 2 present and seeks adjournment on the ground that learned counsel for respondents no. 1 and 2 is busy before the Peshawar High Court, Peshawar. Adjourn. To come up for arguments on 15.11.2019 before D.B.


Member


Member

15.11.2019 Appellant alongwith his counsel present. Mr. Khalid Rehman, learned counsel for respondents No. 1 & 2 and Mr. Riaz Ahmad Paindakheil, Assistant AG for respondent No. 3 present. Learned counsel for respondents No. 1 & 2 requested for adjournment. Adjourned to 10.01.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

10.01.2020 Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 12.02.2020 before D.B.



Member


Member

28.08.2019

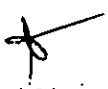
Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for respondent no.1 seeks adjournment. Adjourn. Case to come up for arguments on 11.09.2019 before D.B.



Member


Member

11.09.2019

None for the appellant present. Asst: AG alongwith learned counsel for respondents no. 1 and 2 present. Learned counsel for respondents no. 1 and 2 seeks adjournment. Adjourned. To come up for arguments on 07.10.2019 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

07.10.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Junior to counsel for respondents No.1 & 2 present and seeks adjournment on the ground that learned counsel for respondents No.1 & 2 is not available. Adjourned by way of last chance. To come up for arguments on 07.11.2019 before D.B.


Member


Member

15.05.2019

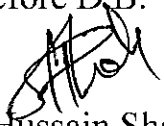
Counsel for the appellant present. Mr. Khalid Rehman, Advocate for respondents No. 1 & 2 is not present therefore, notice be issued to him for attendance and arguments for 28.06.2019 before D.B.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

28.06.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 30.07.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

30.07.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Khalid Rehman Advocate counsel for respondents No.1 & 2 is not in attendance. Notice be issued to learned counsel for respondents No.1 & 2. Adjourn. To come up for arguments on 28.08.2019 before D.B.


Member


Member

Noted


16.01.2019

Appellant with counsel present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2019 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

04.02.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 05.03.2019 before D.B.


Member

Member

15.03.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 04.04.2019 before D.B.

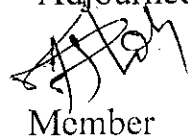

Member
Member

04.04.2019

Nemo for the appellant. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present.

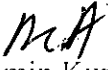
Due to general strike on the call of Bar Council learned counsel for the appellant is not in attendance.


Adjourned to 15.05.2019 before D.B.


Member
Chairman

06.08.2018

Mr. Asif Sohail nephew of the appellant on behalf appellant and Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Nephew of the appellant seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 25.09.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

25.09.2018

Appellant alongwith her counsel Miss. Naila Jan, Advocate present and submitted fresh Vakalat Nama. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Newly engaged learned counsel for the appellant requested for adjournment. Granted. Case to come up for arguments on 16.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

16.10.2018

Learned counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 29.11.2018 before D.B

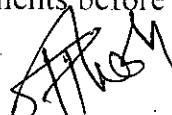

Member


Member

29.11.2018

Appellant in person, Mr. Muhammad Jan, DDA for the respondents present.

Appellant requests for adjournment on account of indisposition of learned counsel. Adjourned to 16.01.2019 for arguments before the D.B.


Member


Chairman

Service Appeal No. 23/2014

04.04.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney for the respondents present. To come up for arguments alongwith connected service appeal No. 22/2014 on 06.06.2018 before D.B at Camp Court, Swat.


Member



Chairman
Camp court, Swat

06.06.2018

Appellant Muhammad Rashid Khan in person alongwith his counsel Mr. Imdadullah, Advocate present. None on behalf of the respondents is present, However, Mr. Usman Ghani, District Attorney put appearance on their behalf on official capacity.

To come up for record and arguments on 04.07.2018 alongwith service appeal No. 22/2014 before the D.B at Camp Court Swat.

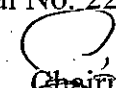

Member


Chairman
Camp Court, Swat

04.07.2018

Appellant Muhammad Rashid in person, alongwith his counsel Mr. Imdadullah, advocate present. Mr. Muhammad Tasfiq, Junior Clerk on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. To come up for arguments on 06.08.2018 at Peshawar alongwith connected appeal No. 22/2013.



Member


Chairman
Camp court, Swat

05.12.2017

Counsel for the appellant and Addl. AG for the respondents present. Learned AAG seeks adjournment. To come up for arguments on 01.01.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

1.1.2018

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 29.01.2018 before the D.B at camp court, Swat.



Member


Chairman
Camp Court, Swat

29.01.2018

Clerk of the counsel for appellant present and Addl: AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not attendance today. Granted. To come up for arguments on 02.04.2018 before D.B at Camp Court, Swat.



Member


Chairman
Camp Court, Swat

02.04.2018

Appellant in person and Mr. Usman Ghani, District Attorney for respondents present. Due to strike of the bar, counsel for the appellant is not in attendance. Appellant requested for short adjournment. Granted. To come up for arguments on 04.04.2018 before the D.B at camp court, Swat.

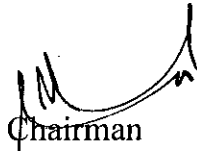

Member


Chairman
Camp court, Swat

23/17

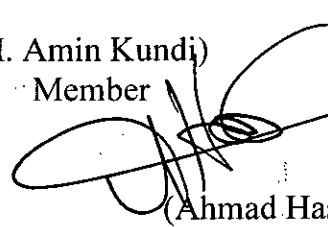
16.08.2017

Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard. To come up for order tomorrow on 17.08.2017 before the Larger Bench.


Chairman

(M. Amin Kundi)
Member

(M. Hamid Mughal)
Member


(Ahmad Hassan)
Member

17.08.2017

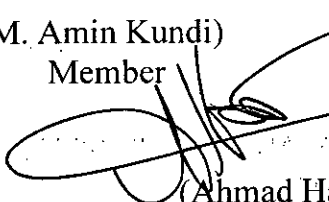
Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard and record perused.

Vide our detailed judgment of today, in connected ~~service~~ appeal No. 41/2016, entitled "Zubair Ahmad Vs. the Appellate Judge through Registrar, Peshawar High Court, Peshawar etc." this Tribunal has the jurisdiction to entertain the appeal. To come up for arguments before D.B on 05.12.2017, at camp court Swat.


Chairman

(M. Amin Kundi)
Member

(M. Hamid Mughal)
Member



(Ahmad Hassan)
Member

23/2014

09.11.2016

Agent to counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for respondents present. Seeks adjournment as counsel for the appellant is not in attendance due to death of his relative. Adjourned for final hearing to 08.03.2017 before D.B at Camp Court Swat.



Member


Chairman
Camp court, Swat

15 08.03.2017

Appellant with counsel and Mr. Muhammad Zubair, Sr.GP for the respondents present. The appellant in the instant appeal belong to establishment of judiciary as such to be heard after decision of larger bench of this Tribunal. Adjourned for final hearing before the D.B on 04.07.2017 at camp court, Swat.



Member


Chairman
Camp court, Swat

16. 04.07.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. The learned counsel for the appellant informed the Tribunal that this is the appeal filed against the order of the Registrar, Peshawar High Court. That in view of the judgment of the august Supreme Court of Pakistan in Khan Toti's case the question for determination as to whether this Tribunal has got the jurisdiction to entertain the present appeal or otherwise, a Larger Bench has been constituted at Principal Seat at Peshawar. The learned counsel for the appellant requested for adjournment as the instant case cannot be decided before determining the question of jurisdiction of this Tribunal. Request is acceded to and this case is clubbed with those appeals. To come for arguments before the Larger Bench at Principal Seat at Peshawar on 16-08-2017.


Member


Chairman
Camp court, Swat

23/14


5.10.2015

Appellant with counsel and Mr. Abdul Ahad, Supdt. alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Written reply on behalf of respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 12.1.2016 that Camp Court Swat.


Chairman
Camp Court Swat

12.01.2016

Appellant with counsel and Mr. Muhammad Zubair, Sr,GP for respondents present. Rejoinder submitted. Adjourned for final hearing before D.B to 05.04.2016 alongwith connected appeal at Camp Court Swat.


Member


Chairman
Camp Court Swat

05.04.2016

Counsel for the appellant and Mr. Amir Qadir, GP for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 06.09.2016 at Camp Court, Swat.


Chairman
Camp court, Swat.

06.09.2016

Appellant in person and Mr. . Muhammad Zubair, Sr.GP for the respondents present. Appellant seeks adjournment. To come up for final hearing before the D.B on 09.11.2016 at camp court, Swat.


Member


Chairman
Camp Court, Swat

23/14

2.3.2015

Counsel for the appellant present. To come up for preliminary hearing alongwith connected appeal on 6.4.2015 at camp court Swat.


Chairman
Camp Court Swat

8. 6.4.2015


Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was entitled to be consideration for upgradation but was deprived of the same on the basis of adverse entries in his ACR regarding which separate appeal No.22/2014 has been admitted to regular hearing today.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 1.6.2015 at camp court Swat, before S.B.


Chairman
Camp Court Swat

9. 1.6.2015

Appellant with counsel and Mr.Abdul Ahad, Supdt: alongwith Mr.Anwar-ul-Haq, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 3.8.2015 at camp court Swat.


Chairman
Camp Court Swat

Appellant Deposited
Security & Process Fee



... [unclear] ...

... [unclear] ...

... [unclear] ...

... [unclear] ...

8. 64.2012

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64.2012

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4-
7.7.2014

Appellant with counsel present. Since appeal has been lodged on 6.1.2014 against the impugned order dated 21.3.2013, to come up for preliminary hearing, particularly on the question of limitation, at camp court Swat on 01.9.2014.


Chairman
Camp Court Swat

5-
01.9.2014

Appellant present in person, but preliminary arguments could not be heard due to strike of the Bar. The appellant, however, submitted copy of order dated 6.01.2014 of the Tribunal in his earlier appeal, which is placed on file. To come up for preliminary hearing at camp court Swat on 6.11.2014.


Chairman
Camp Court Swat

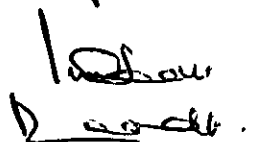
6.11.2014

Appellant with counsel (Mr. Imdadullah, Advocate) present. The learned counsel for the appellant requested for adjournment in order to file application with regard to the question of limitation. To come up for further proceedings/preliminary hearing at camp court Swat on 5.1.2015.


Chairman
Camp Court Swat

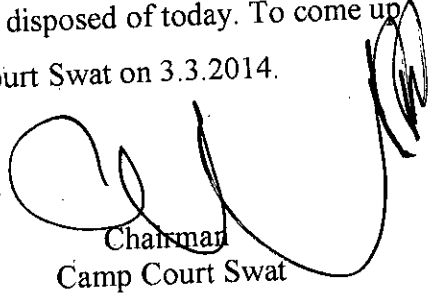
5-1-15:-

counsel for the appellant present.
The Tribunal is incomplete. To come up
for preliminary hearing at camp court
Swat on 02-03-2015.



23/14

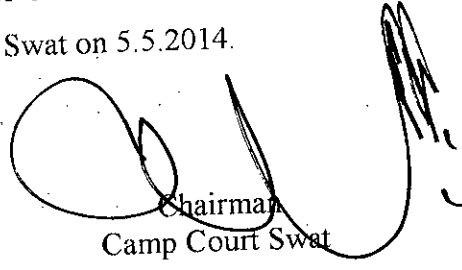
1- 06:01:2014 Appellant with counsel (Mr. Imdadullah, Advocate) present. Appeal filed in proper form in the light of order sheet of even date in appeal No. 1360/2013, disposed of today. To come up for preliminary hearing at Camp Court Swat on 3.3.2014.


Chairman
Camp Court Swat

2-

3.3.2014

Appellant in person present, and requested for adjournment due to non-availability of his counsel (Mr. Aziz-ur-Rehman, Advocate) owing to the death of his mother. To come up for preliminary hearing at camp court Swat on 5.5.2014.


Chairman
Camp Court Swat

3-

5.5.2014

Appellant present in person, but requested for adjournment due to strike of the Bar. To come up for preliminary hearing at camp court Swat on 7.7.2014.


Chairman
Camp Court Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 23 of 2014

Muhammad Rashid Khan, Superintendent Sessions Court Malakand.

...Appellant

VERSUS

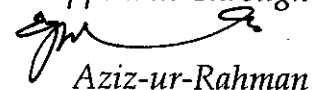
The Honourable Chief Justice Peshawar High Court and Others.

...Respondents

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8.	Vakalat Nama	14

Appellant Through


Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0300 907 0671

①

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 23 of 2013

Muhammad Rashid Khan, Superintendent Sessions
Court Malakand.

...Appellant

VERSUS

1. The Honourable Chief Justice Peshawar High Court, Peshawar, through Registrar Peshawar High Court, Peshawar.
2. The Registrar Peshawar High Court, Peshawar.
3. The District and Sessions Judge/ Zilla Qazi, Malakand at Bathhila.

...Respondents

Proper appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order No. 2996/Admn dated 21-03-2013 communicated on 26-03-2013, whereby, the representation / review of the appellant submitted against the order Endst: No. 1340-61/B&A dated Peshawar the 23-02-2013, wherein the name of the appellant was not included in the list of the upgraded Superintendents, against the law, rules and facts and not sustainable, hence liable to be set aside.

Prayer:

That on acceptance of this appeal the order impugned may very kindly be set aside and the list impugned be updated by including the

out to his utter surprise his name was not included in the list of the upgraded Superintendents issued vide order Endst: No.

PESHAWAR HIGH COURT, PESHAWAR.

Annexure "A"

ORDER.

Dated Peshawar the 13th November, 1996.

Hon'ble the Chief Justice, Peshawar

High Court Peshawar has been pleased to Order the appointment of Mr. Muhammad Rashid, Steno to Assistant Commissioner, Alpurai as Superintendent in EPS-76 plus usual allowances with immediate effect. He is posted as Superintendent to the Court of District and Sessions Judge, Alpurai against the newly created post on the following terms and conditions :-

- 1)- The appointment is purely temporary and on probation for one year. He will be subject to such conditions as have been prescribed or hereafter to be prescribed by the Competant Authority;
- 2)- His appointment is subject to Medical Fitness.

MS
8/11/96

BY ORDER OF THE CHIEF JUSTICE
ABDUL JABBAR KHAN
REGISTRAR.

Endet. No. 2437-41 / Adm. Brh. Dated Peshawar the 17.11. / 1996.

Copy forwarded to :-

- 1. The District and Sessions Judge/Zila Gazi Shangla.
- 2. The District Accounts Officer, Shangla.
- 3. The Superintendent (Confidential), Peshawar High Court, Peshawar.
- 4. The Assistant Commissioner, Alpurai District Shangla.
- 5. Mr. Muhammad Rashid, Steno to Assistant Commissioner, Alpurai District Shangla.

(ABDUL JABBAR KHAN)
REGISTRAR.

[Signature]
13/11/96

Attested

[Signature]

Advocate

PESHAWAR HIGH COURT, PESHAWAR

(8)

ORDER

Annexure "B"

In exercise of the powers conferred by the Finance Department under Notification No. SO(A/Cs)FD/2-1/96, dated 7.12.1996, the Hon'ble Chief Justice, Peshawar High Court, Peshawar is pleased to accord sanction to the up-gradation of the post of Superintendents to the court of District & Sessions Judges/ZQs, in Khyber Pakhtunkhwa from BPS-16 to BPS-17, on completion of 05-years satisfactory service in BPS-16, w.e.f 01/12/2012.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

(Subhan Sher)
Registrar

Endst: No. 8034-80891B1A

Dated: Peshawar, the 06/12/2012

Copy forwarded for information and necessary action to:

1. The Private Secretary to Hon'ble the Chief Justice, Peshawar High Court, Peshawar.
2. The District & Sessions Judges/ZQs, in Khyber Pakhtunkhwa.
3. The Secretary Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. The Accountant General, Govt of Khyber Pakhtunkhwa, Peshawar.
5. The District Accounts Officers, Khyber Pakhtunkhwa.
6. The MIS Manager, Peshawar High Court, Peshawar.
7. The Supdt: General, Peshawar High Court, Peshawar.
8. The Budget Officer, Peshawar High Court, Peshawar.
9. The Supdt: Budget, Peshawar High Court, Peshawar.
10. The Supdt: Confidential, Peshawar High Court, Peshawar.

B.A.A.
For W.A.

(Subhan Sher)
Registrar

13.12.12

Attested

Advocate

Already received and
entry made vide No. 565
Dated 7-12-2012.

9

Annex C

23 Feb. 2013 11:37AM P1

Annexure 'C'

FPC/DOJ/103982/2011

REG. NO. 109192/0150

23 Feb. 2013 11:37AM P1

PESHAWAR HIGH COURT, PESHAWAR

Dated Peshawar, the 21st February 2013

ORDER

Consequent upon the up-gradation of the posts of Superintendent to the Court of District and Sessions Judges/ZOs in the Khyber Pakhtunkhwa vide this court order bearing Endst: No.8034-2089/B&A, dated 06/12/2012, and the decision taken in the meeting of the Departmental Promotion Committee dated 20/02/2013, the Competent Authority has been pleased to grant BPS-17 to the following Superintendents of the District Judiciary with immediate effect:-

S.No	Name of Officer	District
1.	Mr. Abdul Mateen	Nowshera
2.	Mr. Abid Nawaz	Mardan
3.	Mr. Shah Rawan	Buner
4.	Mr. Barakatullah	D.I.Khan
5.	Mr. Abdullh Jan	Bannu
6.	Mr. Awal Zaman	Lakki Marwat
7.	Mr. Muhammad Ali	Charsadda
8.	Mr. Muhammad Ishaq	Swat
9.	Mr. Bakht Biland	Dir Lower
10.	Mr. Salar Khan	Huripur
11.	Mr. Hameed Iqbal	Shaigla
12.	Syed Asif Shah	Batagram
13.	Mr. Rab Nawaz	Karak
14.	Mr. Kiliyatullah	Tank
15.	Mr. Khan Akbar	Peshawar

By Order of Hon'ble the Chief Justice

Subhan Sher
(Subhan Sher)
Registrar

Endst No. 1340-61/B&A

Dated: Peshawar, the 23-2-2013

Copy forwarded for information and necessary action to:

1. The Secretary Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar.
2. The Accountant General, Govt of Khyber Pakhtunkhwa, Peshawar.
3. The District & Sessions Judges/ZOs, in Khyber Pakhtunkhwa.
4. The Private Secretary to Hon'ble the Chief Justice, Peshawar High Court, Peshawar.
5. The District Accounts Officers, Khyber Pakhtunkhwa.
6. The MIS Manager, Peshawar High Court, Peshawar.
7. The Supdt: General, Peshawar High Court, Peshawar for placing in relevant service.
8. The Officers Concerned by name.

Subhan Sher
(Subhan Sher)
Registrar

Attest

Advocate
Advocate

No. S 11 /D&S/J/ZQ (MKD) dated the 27 // February, 2012.

Annexure

"D"

10

From:

The District & Sessions Judge/
Zilla Qazi, Malakand at Batkhela.

To:

The Registrar,
Peshawar-High Court,
Peshawar.

Subject: REPRESENTATION/ REVIEW.

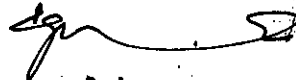
Sir,

I have the honour to herewith forward a Representation/
Review submitted by Mr. Muhammad Rashid Khan, Superintendent, of
this Court, for consideration, please.

(ISHFAQ AHMAD)
District & Sessions Judge/ Zilla Qazi,
Malakand at Batkhela.

27-2-13.

Attested



Advocate

BEFORE THE HON'BLE CHIEF JUSTICE PESHAWAR HIGH COURT, PESHAWAR

11

MUHAMMAD RASHID KHAN, SUPERINTENDENT, SESSIONS COURT,
MALAKAND..... (PETITIONER)

Representation/Review against the Order No. 1340-61/B&A dated 23-02-2013, whereby upgradation of the Superintendents, Sessions Courts has been Ordered and name of the Petitioner has not been included in the same which needs your's honour sympathetic reconsideration/ review.

PRAYER

ON ACCEPTANCE OF THIS PETITION IMPUGNED ORDER NO. 1340-61/B&A DATED 23-02-2013, MAY PLEASE BE SYMPATHETICALLY REVIEWED/RECONSIDERED BY INCLUDING NAME OF THE PETITIONER IN THE SAID ORDER AND PETITIONER POST MAY PLEASE BE UPGRADED FROM BPS-16 TO BPS-17 WITH EFFECT FROM 01-12-2012 WITH ALL BACK BENEFITS. ANY OTHER RELIEF DEEMED FIT MAY ALSO BE GRACIOUSLY GRANTED.

Respected Sir,

Petitioner humbly submits as under:-

1. That Petitioner was appointed as Superintendent, Sessions Court vide Order dated 17-11-1996. (Copy of appointment order is Annexure "A").
2. That vide Order No. 8034-8089/B&A dated 06-12-2012, read with Notification No. SO(A/Cs)FD/2-1/96 dated 7-12-1996, the post of Superintendents, to the Court of District & Sessions Judges/Zilla Qazis, in the Province of Khyber Pakhthunkhwa, is upgraded from BPS-16 to BPS-17 with 05 Years satisfactory Service. (Copy of order dated 6-12-2012 is Annexure "B").

Attested

Advocate

That vide Order.No. 1340-61/B&A dated 23-02-2013, (15) Superintendents, have been upgraded wherein name of the Petitioner is not included in the said Order. (Copy of order dated 23-2-2013 is Annexure "C").

12

4. That I respectfully submit your honour sympathetic consideration that 05 years service is prerequisite for upgradation from BPS-16 to BPS-17 whereas, Petitioner has 17 years satisfactory service at his credit.

On acceptance of this Petition/Representation the impugned Order dated 23-2-2013 may please be sympathetically revived and reconsidered by including the name of Petitioner in the said Order and petitioner's post may please be upgraded from BPS-16 to BPS-17 with effect from 01-12-2012 with all back benefits. Any other relief deemed fit may also be graciously granted, please.

Dated: 27-02-2013

PETITIONER.

Muhammad Rashid Khan
27.2.13.

(MUHAMMAD RASHID KHAN)
SUPERINTENDENT,
SESSIONS COURT, MALAKAND

AFFIDAVIT

I, Muhammad Rashid Khan, Superintendent Sessions Court Malakand, solemnly affirm and verify that contents of Petition/representation are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Authority.

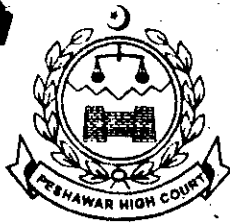
Dated: 27-02-2013

Muhammad Rashid Khan
27.2.13.

(MUHAMMAD RASHID KHAN)
SUPERINTENDENT,
SESSIONS COURT, MALAKAND

Attested

Advocate
Advocate



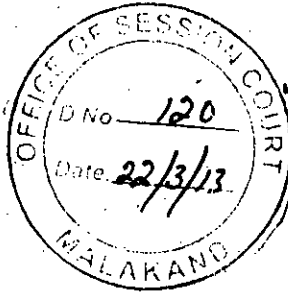
The
PESHAWAR HIGH COURT
Peshawar

Annexure "E" 13

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58
Off: 9210135
Fax: 9210170

www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcphs@gmail.com



No. 2996 /Admn:

Dated Pesh the 21 / 3 /2013

From:

The Registrar,
Peshawar High Court,
Peshawar.

To:

The District & Sessions Judge/Zilla Qazi,
Malakand at Batkhela.

Subject: **REPRESENTATION/REVIEW.**

Dear Sir,

I am directed to refer to your letter No.511 dated 27.02.2013, on the subject and to say that the Competent Authority has been pleased to reject/dismiss the representation of Mr. Muhammad Rashid Khan, Superintendent. He may accordingly be informed, please.

Faithfully yours,

(Signature)
(SUBHAN SHER)
REGISTRAR

Superintendent of this Court to Note

Distt: & Sessions Judge /
Zilla Qazi
Malakand At Batkhela -
26.3.2013.

Attested

(Signature)
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Appeal No. 1360 /2013

Muhammad Rashid Khan,
Superintendent, Sessions Court, Malakand.....

1399
19-9-13
(Appellant)

Versus

1. Hon'ble the Chief Justice Peshawar High Court, Peshawar through Registrar, Peshawar High Court, Peshawar.
2. The Registrar, Peshawar High Court, Peshawar.
3. The District & Sessions Judge/Zilla Qazi, Malakand..... (Respondents)

APPEAL U/S 4 OF THE SERVICE TRIBUNAL, ACT, 1974 AGAINST THE ORDER NO. 106/CONFDL DATED 20-8-2013, WHEREBY REPRESENTATIONS OF THE APPELLANT FOR EXPUNCTION OF ADVERSE REMARKS FOR THE YEARS, 2010-2011 WITH RETROSPECTIVE EFFECT. PROMOTION /UPGRADATION WAS DISMISSED.

06.01.2014

Appellant with counsel (Mr. Imdadullah, Advocate) present. Since the appellant had combined two separate and distinct issues, one pertaining to expunction of adverse remarks and the other for his consideration for promotion/upgradation from BPS-16 to BPS-17 with retrospective effect, he was required to file separate appeals for the said two separate issues, which he did accordingly today. As the appeals have now been submitted separately in proper form, this appeal becomes redundant and is filed accordingly, with no order as to costs.

ANNOUNCED
06.01.2014

ed/-
Chairman
Camp Court Swat.

Certified to be true copy
~~EXAMINER~~
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 23 of 2014

Muhammad Rasheed Khan, Superintendent Sessions Court,
 Malakand (Appellant)

.....Vs.....

The Hon'b'e Chief Justice Peshawar High Court, Peshawar through
 Registrar, Peshawar High Court, Peshawar, and two others

COMMENTS ON BEHALF OF RESPONDENTS NO 1 & 2

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

- a. The appeal is incompetent in its present form.
- b. The appellant hasn't come to the Tribunal with clean hands, hence his appeal deserves dismissal on this score alone.
- c. The appellant has got no locus standi to file the present appeal.
- d. The appellant is estopped by his own conduct.
- e. The Tribunal or any other court can't substitute the view recorded by the competent authority in service matter of an official/officer.
- f. The Tribunal lacks the jurisdiction to entertain the issue of fitness for promotion, as the administrative order of the Peshawar High Court could not be challenged keeping in view the dictum reported as, **2010 SCMR 632** in case titled, "**Muhammad Iqbal and others Vs Lahore High Court through Registrar**".

ON FACTS:

- i. Correct.

- 2
- ii. Incorrect.
 - iii. Correct, however the order was issued by respondent No 2 on the approval of the competent authority.
 - iv. Correct to the extent that, appellant's name was not included in the seniority list of the newly up-graded superintendents, but with valid reason(s).
 - v. The Para under reply relates to record, and also being procedural in nature, needs no comments.
 - vi. The Para under reply is answered in a manner that; appellant's representation was appraised in accordance with law leading however to its dismissal.
 - vii. Needs no comments.

GROUNDS:

- a. Incorrect as his case was looked into in accordance with law.
- b. Incorrect.
- c. Incorrect.
- d. Incorrect.
- e. Incorrect.
- f. Needs no comments.
- g. Needs no comments.

It is, therefore, requested that, while accepting the reply/comments, the appeal, being devoid of force, may please be dismissed with costs.

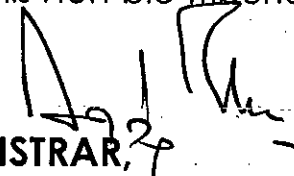
Respondent No. 1 & 2


REGISTRAR,

Peshawar High Court,
Peshawar.

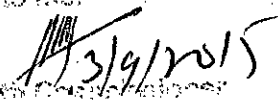
AFFIDAVIT

I, **Muhammad Ayub Khan, Registrar, Peshawar High Court, Peshawar**, respondent, solemnly affirm and declare that the contents of the comments are true to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


REGISTRAR,
Peshawar High Court,
Peshawar.

3002-

I certify that the above is a true and correct copy of the original as submitted to me on 3rd day of sep 2015 at PHC set-6 who was identified by set-6 who is personally known to me.

 3/9/2015

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 23 of 2014

Muhammad Rasheed.

...Appellant

VERSUS

*The Honourable Chief Justice Peshawar High Court,
through Registrar and Others.*

...Respondents

REJOINDER BY THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless and against the law, rules and facts, hence are specifically denied. Moreover the appellant has got a prima facie case and has approached this Honourable Tribunal well within time with clean hands and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

- i. Para i of the comments is admission thus needs no comments.*
- ii. Para ii of the comments also being admission thus needs no comments.*

- iii. *Para iii of the comments as drafted is also admission thus needs no comments, however the alleged reasons are yet to see the light of the day.*
- iv. *Para iv of the comments being vague and evasive amounts to admission thus needs no comments.*
- v. *Para v of the comments also is vague and evasive thus amounting to admission, hence needs no comments.*
- vi. *Para vi of the comments as drafted also needs no comments being admission.*
- vii. *Para vii of the comments as drafted is against the law, rules and facts, hence the same is denied.*
- viii. *Para viii needs no comments.*

On Grounds:

- a. *Ground a of the comments as drafted is vague, evasive and in need of proof, hence denied.*
- b. *Ground b to g of the comments also are vague and evasive thus amounts to admission, hence no comments.*

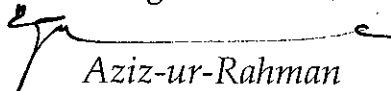
It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the

appellant may very kindly be decided as prayed for
originally.


Appellant

Muhammad Rashid

Through Counsels,



Aziz-ur-Rahman



Imdad Ullah

Advocates Swat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 23 of 2014

Muhammad Rasheed.

...Appellant

VERSUS

The Honourable Chief Justice Peshawar High Court,
through Registrar and Others.

...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this rejoinder are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or concealed thereto.

Deponent

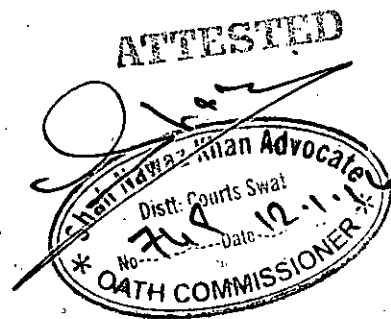


Muhammad Rashid

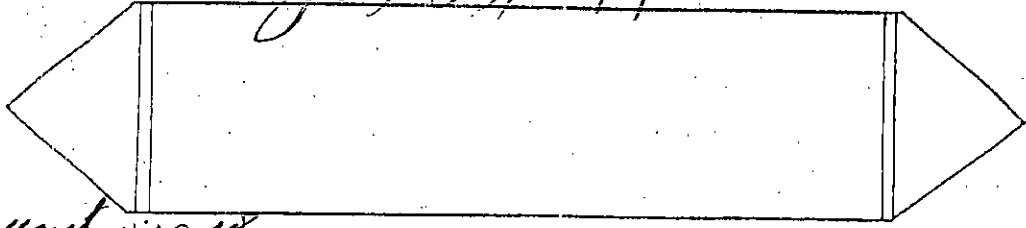
Identified By:


Imdad Ullah

Advocate Swat



بعدالت KP کوکس ٹریڈنگ شاپ



Appellant 2018

محمد شہزاد خان بنام حکومت احوال گورنمنٹ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر یا نکتہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی و کل کارروائی متعلقہ
آن مقام Peshawar کیلئے Naita Jan
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف 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 کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی 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 بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرچہ ہر جان 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
مذکور کریں۔ لہذا کالت نامہ لکھو یا کہ سند ہے۔

المرقوم 25
ماہ ستمبر 2018

بمقام Peshawar کے لئے منظور ہے۔

Attested
Attested by
Naita Jan

محمد شہزاد خان بنام حکومت احوال گورنمنٹ