BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR (CAMP COURT, D.I.KHAN.)

Appeal No.1151 of 2018

Date of Institution

... 27/08/2018

Date of Decision

25/11/2021

Muhammad Nawaz Clerk of Court/Assistant, District Judiciary Tank. ... (Appellant)

VERSUS

District & Session Judge, District Tank, and others

...(Respondents)

Present.

Mr.Ziaur Rehman Qazi,

Advocate

For appellant.

Mr. Noor Zaman Khattak,

District Attorney,

For Officials Respondents.

Gul Tiaz Khan Marwat

Advocate

For Private Respondent No. 4

MR AHMAD SULTAN TAREEN

MR. SALAH-UD-DIN,

... CHAIRMAN ... MEMBER(J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellants named above invoked the jurisdiction of this Tribunal seeking relief based on the prayer copies herein below:-

"To set aside the impugned final seniority list of the ministerial establishment of District & Sessions Judge,



Tank, as reflected on 31.12.2017 and prepared on 27.04.2018 with further request to set aside the implied impugned departmental appeal's rejection order passed by respective Departmental Appellate Authority and Hon'ble District & Sessions Judge, Tank/ Respondent No. 1 may please be directed to place the name of the Appellant on top of the seniority list of establishment of District & Sessions Judge, Tank of Assistant BPS-16, as existed earlier in seniority list Dated 31.12.2016"

Brief facts of the appeal are that the appellant was inducted into District Judiciary Establishment District Tank as Junior Clerk (BPS-5) on 01.11.1993 and after passing through different stages of the service, now he is serving as Clerk of Court (BPS-16) in the Court of Senior Civil Judge, Tank; that Respondent No.3 namely Liaqat Ullah was inducted into District Judiciary Establishment District Tank as Naib Qasid (BPS-1) on 01.03.1994 and after passing through different stages of the service, now he is serving as Civil Nazir (BPS-16) in the Court of Senior Civil Judge, Tank. On 31.12.2012, the learned Senior Civil Judge, Tank issued seniority list of the Process Serving Agency, Tank and on 31.12.2015, another seniority list Dated 31.12.2015 was also issued by learned Senior Civil Judge, Tank. It is also pertinent to mention here that learned Senior Civil Judge, Tank also issued seniority list Dated 31.12.2016 of the Process Serving Agency and in all these aforesaid seniority lists of the Process Serving Agency, the name of Respondent No. 3 was placed on top of the seniority list but

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in the cadre of Process Serving Agency. On the other hand name of appellant appeared in the seniority list dated 31.12.2013 just after the name of one Walibat Khan son of Faujdar (Assistant BPS-16), who later on, got the age of superannuation and it was the legitimate expectancy and right of the appellant to be placed on top of the common seniority list of the Establishment of Honourable District & Sessions Judge, Tank. However, through seniority list dated 31.12.2017, an adverse action has been taken and instead of placing the appellant on the top of the common seniority list, respondent No. 4 has been ranked senior to him. Feeling aggrieved, the appellant preferred departmental representation which was rejected on 27.04.2018, Hence the present appeal.

- 3. The appeal was admitted for regular hearing on 05.07.2021. The respondents have submitted written reply/comments 30.08.2021, refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal.
 - 4. We have heard the arguments and perused the record.
- 5. In view of the facts of the appeal noted above, the present appeal involves the dispute of inter-se seniority of the appellant and respondent No. 4. According to submissions of the appellant he was appointed directly as Junior Clerk BPS- 5 on 01.11.1993 and in the course of career progression, he happened to have held the post of Clerk of Court (BPS-16) in the court of Senior Civil Judge, Tank. His stance about the respondent No. 4 is that he was inducted into

service as Naib Qasid (BPS-01) on 01.03.1994 and in the course of career progression, he happened to have held the post of Civil Nazir (BPS-16) in the court of Senior Civil Judge Tank. The appellant is aggrieved from the seniority list as stood on 31.12.2017 and having got finality on 27.04.2018. It was assailed by the appellant and ultimately he has challenged the same through the present appeal after getting no departmental remedy. The respondent No. 1 in his reply to the appeal made out a defence against the appellant in their reply to Para-3 of the appeal. It was stated by respondent No. 1 that incumbent official Mr. Liaqat Ullah (respondent No. 4) was promoted as Assistant/Civil Nazir (BPS-11) on 23.12.2005 and Muhammad Nawaz now Assistant was still a Senior Clerk BPS-07 at that time. The post of Assistant was upgraded from BPS-11 to BPS-14 on 01.07.2007 and subsequently to BPS-16 on 20.05.2014. The appellant was promoted as Assistant against upgraded scale of BPS-14 on 29.11.2007. The date of promotion of respondent No. 4 to the post of Assistant/Civil Nazir (23.12.2005) and that of Muhammad Nawaz (29.11.2007), if juxtaposed for the purpose of fixing of the seniority, the respondent No. 4 had the right to be ranked senior to the appellant on the basis of prior promotion to the said post. Needless to say that dispute as to inter-se seniority of the appellant and respondent No. 4 relates to the post of Assistant on which they have been appointed by way of promotion. Rule-17 (1)(b) provides the criteria for reckoning of the seniority of the civil servant appointed

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otherwise than initial recruitment. Accordingly, the determinative factor to reckon the seniority is the date of their continuous regular appointment in the post with an exception that the civil servant selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain inter-se seniority as in the lower post. The case of the appellant and respondent No. 4 does not come within the ambit of said exception, as they were not selected for promotion in one batch. Taken on touchstone of the said criteria, the date of continuous regular appointment of respondent No. 4 on the post of Assistant/Civil Nazir is earlier than the date of appellant on the post of Assistant/Cierk of Court. Therefore, the grounds urged in memorandum of appeal against the impugned seniority list have no force.

6. For what has gone above, the appeal at hand is dismissed with no order as to costs. File be consigned to the record room.

(AHMAD SULTAN TAREEN)
Chairman
(Camp Court at D.I Khan)

(SALAH-UD-DIN)
Member(J)
(Camp Court at D.I Khan)

ANNOUNCED 25/11/2021

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	3.3

	Date				
C N	Date of	Order or other proceedings with signature of Judge or			
S.No.	order/	Magistrate and that of parties where necessary.			
	proceedings				
1	2	3			
	:	Present.			
		Mr. Ziaur Rehman Qazi, For appellant Advocate			
		Mr. Noor Zaman, District Attorney For respondents.			
	25.11.2021	Vide our detailed judgment, the appeal at hand is			
	25.11.2021	dismissed with no order as to costs. File be consigned to the			
		record room.			
		A Dun Z			
		(ALIMAD ENLIANT TABLE)			
		(AHMAD SULTAN TAREEN) CHAIRMAN			
		(Camp Court, D.I.Khan)			
		(SALAH-UD-DIN) Member(J)			
		(Camp Court D.I.Khan)			
		ANNOUNCED			
		25.11.2021			

29.09.2021

Appellant alongwith his counsel Mr. Zia-ur-Rehman Kazi, Advocate, present. Mr. Usman Ghani, District Attorney for official respondents No. 1 & 3 present. Mr. Gul Tiaz Khan, Advocate, for private respondent No. 4 present. None present for respondent No. 2.

Previous date was changed on Reader Note, therefore, notice be issued to learned counsel for respondent No. 2 and to come up for arguments before the D.B on 26.10.2021 at Camp Court D.I.Khan.

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE) CAMP COURT D.I.KHAN

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

26.10.2021

Appellant present in person.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Sami Ullah S.C for official respondents present. Private respondent No.4 in person present

Former made a request for adjournment as his counsel is not available today. Request is accorded. To come up for arguments on 25.11.2021 before D.B at Camp Court, D.I.Khan.

tiq ur Rehman Wazir)

Member(E)

Camp Court, D.I.Khan

(Rozina Rehman) Member(J)

Camp Court, D.I.Khan

25.03.2021

Appellant alongwith Mr. Abdul Ghafoor, junior of learned counsel for the appellant present. Mr. Samiullah, Senior Clerk for respondent No. 1 alongwith Mr. Muhammad Rasheed, Deputy District Attorney for official respondents present. Private respondent No. 4 in person also present.

Junior of learned counsel for the appellant request for adjournment on the ground that learned counsel for the appellant is unable to appear before the court due to illness. Adjourned. To come up for arguments before D.B at Camp Court D.I.Khan on 26.05.2021.

(MIAN MUHAMMAD) MEMBER (EXECUTIVE) CAMP COURT D.I.KHAN (SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

to come of for the same on 29/9/21

Appellant in person present.

Muhammad Jan learned Deputy District Attorney for official respondents present. Private respondent in person present.

Appellant made a request for adjournment. Adjourned. To come up for arguments on 23.12.2020 before D.B at Camp Court DI Khan.

(Atiq-ur-Rehman Wazir)

Member (E) Camp Court, D.I Khan (Rozina Rehman) Member (J)

Camp Court, D.I Khan

Due to cond, 19 case is adjourned to 23 02-2021

23.02.2021

Appellant present in person.

Riaz Khan Paindakheil learned A.A.G alongwith Sami Ullah S.C for official respondents present. Private respondent No.4 in person present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 25.03.2021 before D.B at Camp Court D.I.Khan.

(Atig ur Rehman Wazir)

Member (E)

Camp Court, D.I.Khan

(Rozina Rehman) Member (J),

Camp Court, D.I.Khan

Appellant in person present.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Sami Ullah S.C for official respondents No. 1 to 3 present. Private respondent No.4 in person present.

Appellant as well as private respondent No.4 made request for adjournment as their counsels are busy before Hon'ble High Court. Adjourned. To come up for arguments on 28.10.2020 before D.B at Camp Court D.I Khan.

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

Camp Court, D.I Khan

(Rozina Rehman) Member (J) Camp Court, D.I Khan

28.10.2020

Appellant is present in person. Mr. Muhammad Jan, Deputy District Attorney for official respondents and private respondent No.4 in person present.

Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 24.11.2020 for arguments before D.B. at camp court D.I.Khan.

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(Mian Muhammad)
Member(E)

(Muhammad Jamal Khan) Member(J)

Camp Court D.I Khan

26/3/2020

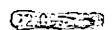
Due to COVID-19 the case is adjourned. To come up for the same 22/4/2020 at Camp Court, D.I Khan

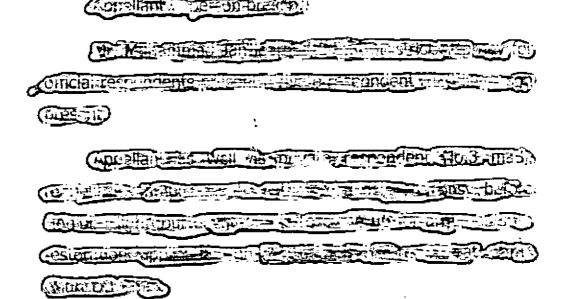


22/4/2020

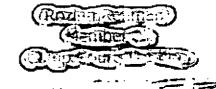
Due to COVID-19 the case is adjourned. To come up for the same 22/9/2020 at Camp Court, D.I Khan











Service Appeal No. 1151/2018

28.01.2020

Appellant in person present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 25.02.2020 for arguments before D.B at Camp Court D.I.Khan.

(Hussain Shah)
Member
Camp Court D.I.Khan

(M. Amin Khan Kundi) Member Camp Court D.I.Khan

25.02.2020

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks time to submit rejoinder. Granted. To come up for arguments on 26.03.2020 before D.B at camp court D.I.Khan.

Member

Camp Court D.I.Khan

4.09.2019

Counsel for the appellant present. Mr. Farhaj Sikandar, learned Deputy District Attorney alongwith Mr. Samiullah, Senior Clerk for respondents present. Learned counsel for the appellant seeks adjournment. The respondent-department may make promotions to the cadre in which the appellant belong, however, the said promotions shall be subject to the outcome of the present service appeal. Adjourn. To come up for arguments on 21.10.2019 before D.B at camp court D.I.Khan.

Member

Member

21/10/2019 Since tour to D.I.Khan has been cancelled .To come for the same on 26/11/2019.

26:11.2019

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Samiullah, Senior Clerk for respondents No. 1 & 3 and private respondent No. 4 in person present. Learned counsel for the appellant requested for adjournment. Adjourned to 28.01.2020 for arguments before D.B at Camp Court D.I.Khan.

(Hussain Shah) Member

Camp Court D.I.Khan

(M. Amin Khan Kundi)

Member

Camp Court D.I.Khan

27.08.2019

Appellant in person present. Mr. Samiullah, Senior Clerk on behalf of respondent No. 1 alongwith Mr. Farhaj Sikandar, District Attorney and counsel for private respondent No. 4 present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 23.09.2019 for rejoinder and arguments before D.B at Camp Court D.I.Khan.

(Hussain Shah)
Member
Camp Court D.I.Khan

(Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan

23.09.2019

Appellant in person present. Mr. Farhaj Sikandar, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today due to general strike of the Bar. Adjourn. To come up for arguments on 24.09.2019 on before D.B at camp court D.I.Khan.

Member

Membèr Camp Court D.I.Khan

Appellant in person and Mr. Farhaj Sikandar learned 23.04.2019 District Attorney alongwith Sami Ullah S.C (for respondent No.1) and Iftikhar Ahmad J.C (for respondent No.2) present. Private respondent No.4 in person present.

> Representatives of respondents No.1 & 2 and private respondent No.4 submitted their respective written replies/parawise comments.

> The impugned seniority list was issued by respondent No.1. In the circumstances of the case, the appeal is assigned to D.B for further proceedings. Respondent No.3 may furnish his reply/parawise comments on the next date fixed as 25.06.2019. Adjourn. To come up for rejoinder if any/further proceedings/arguments on the date fixed before D.B at Camp Court, D.I.Khan.

> > Camp Court, D.I.Khan.

25.06.2019

Appellant in person present. Mr. Samiullah, Senior Clerk on behalf of official respondent No. 1 alongwith Mr. Farhaj Sikandar, District Attorney and private respondent No. 4 in person present. Appellant requested for adjournment on the ground that his counsel is not available today. Case to come up for rejoinder and arguments on 27.08.2019 before D.B at Camp Court D.I.Khan.

Member Camp Court D.I.Khan

(Muhammad Amin Khan Kundi) Member

Camp Court D.I.Khan

25.02.2019

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Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith M/S Shahid Hussain, Accountant for respondent No. 1, Iftikhar Ahmad, Junior Clerk for respondent No. 2, respondent No. 3 in person and private respondent No. 4 in person present and requested for further time for filing of written reply. Adjourned. To come up for written reply/comments on 27.03.2019 before S.B at Camp Court D.T.Khan. The restraint order shall continue till the next date.

(Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan

27.03.2019.

Counsel for the appellant, Mr. Samiullah, Senior Clerk for respondent No. 1, and Iftikhar Ahmad Junior Clerk for respondents No. 2 alongwith Mr. Farhaj Sikandar, District Attorney present. Private respondent No. 4 alongwith counsel present. Mr. Gul Tiaz Khan Marwat, Advocate has submitted Wakalatnama on behalf of respondent No. 4.

Reply on behalf of respondent No. 1 has been submitted which is placed on record. Representative of respondents No. 2 and learned counsel for private respondent No. 4 request for further time to submit their respective written replies. Fresh notice be issued to respondent No. 3 for the next date.

To come up for written reply/comments of respondents No. 2, 3 and 4 on 23.04.2019 before S.B at camp court, D.I.Khan.

Chairman
Camp Court, D.I.Khan

Counsel for the appellant present.

Contends, inter-alia, that in the seniority list of 2013 the appellant was placed at S.No. 2 of the seniority of Assistants while the name of respondent No. 4 did not appear in the said list. Similarly, in the final seniority list drawn upto 31.12.2017; the seniority of appellant was maintained at S.No. 2 out of two posts of Assistants. The person at S.No. 1 is not mentioned in the impugned seniority list of 31.12.2017 which implied that he had retired and due to that fact the appellant was supposed to come at S.No. 1 in his cadre. On the other hand, in the seniority list drawn upto 31.12.2017, the name of appellant is noted below the name of respondent No. 4 to whom the appellant is senior in every respect i.e. date of birth, date of first entry in service and date of attaining superannuation. That, the appellant submitted a departmental appeal on 21.05.2018 which remained un-responded, hence the appeal in hand.

The perusal of available record and averments made at the bar suggest that the appeal in hand merits admission for regular hearing. Admit. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 25.02.2019 before S.B at camp court, D.I.Khan.

The appeal is accompanied by an application for grant of interim relief by way of suspension of impugned seniority list. It is noted in the application that promotions to the higher posts are likely to be made in near future on the strength of impugned list.

Notice of the application be given to the respondents for the date fixed. The promotions, if any, made in the cadre to which the appellant belongs, shall be subject to the final outcome of the appeal in hand.

Ann Kent Deposited
Scound 3 Process Fee

Chairman \\\
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of		
Case No	1151 /2018	" _

	Case No.	1151/2018
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/09/2018	The appeal of Mr. Muhammad Nawaz resubmitted today by Mr. Zia-ur-Rehman Kazi Advocate may be entered in the Institution
		Register and put up to the Worthy Chairman for proper order please. REGISTRAR 1719 19
2-		This case is entrusted to touring S. Bench at D.I.Khan for
		preliminary hearing to be put up there on 28 · 12 · 20 18 CHAIRMAN
28.1	2.2018	Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned To come up for preliminary hearing on 23.01.2019 before S.B a
		Camp Court D.I.Khan.
		(Muhammad Amin Khan Kundi Member Camp Court D.I. Khan
-		
-		

The appeal of Mr. Muhammad Nawaz Clerk of court/Assistant District Judiciary Tank received today i.e. on 27.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Copy of departmental appeal is illegible which may be replaced by legible/better one.
- 4- The authority to whom the departmental appeal was made/preferred has not been arrayed a party.
- 5- Approved file cover is not used.
- 6- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No 1726 /S.T

Dit. 27-8/2018.

27/8/12

REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA

PESHAWAR.

Mr. Zia-ur-Rehman Kazi Adv. High Court D.I.Khan.

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Re-submilled leve

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PAKHTUNKHWA, PESHAWAR

Service Appeal No	of 2018	Appeal No.1	15/2018
	•	Versus	

Government of K.P.K etc.....Respondents

SERVICE APPEAL

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3.	Copy of the service book of the Respondent No.3 showing his entire travelling into his service	В	33-50
4.	Copies of the seniority lists Dated 31.12.2012, 31.12.2015 and 31.12.2016 of the Process Serving Agency	C, D & E	51-53
5.	Copies of the seniority lists of the Establishment of District & Sessions Judge, Tank Dated 31.12.2013 & 31.12.2015	F&G	54-57
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26.08.2018

Petitioner Through Counsel

Zia-ur-Rahman Kazi Advocate High Court Dera Ismail Khan

Service Appeal No. 15 of 2018

Muhammad Nawaz, Clerk of Court/Assistant (BPS-16), District Judiciary, Tank

Khyber Pakhtukhwa Service Tribunal

Appellant

Diary No. 1327

Dated 217-8-20

Versus

- District & Sessions Judge, District Tank.
- 2. Registrar Peshawar High Court, Peshawar
- 3. Senior Civil Judge, District Tank.

4. Liaqat Ullah, Civil Nazir (BPS-16), Senior Civil Judge, Tank.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED AGAINST THE IMPUGNED FINAL SENIORITY LIST OF THE MINISTERIAL ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, TANK, AS IT STOOD ON 31.12.2017 AND PREPARED ON 27.04.2018 AND ALSO AIMED AGAINST THE IMPLIED IMPUGNED DEPARTMENTAL APPEALS' REJECTION ORDERS OF THE DEPARTMENTAL APPELLATE AUTHORITY BEING ILLEGAL, VOID AB INITIO, ABRITRARY AND AGAINST THE SETTLED PRINCIPLES OF SENIORITY CRITERIA.

Turand Sum Ga

Filed Re-submitted to

PRAYER IN APPEAL

To set aside the impugned final seniority list of the ministerial establishment of District & Sessions Judge, Tank, as reflected on 31.12.2017 and prepared on 27.04.2018 with further request to set aside the implied impugned departmental appeal's rejection order passed by respective Departmental Appellate Authority and Hon'ble District & Sessions Judge, Tank/ Respondent No 1 may please be directed to place the name of the Appellant on top of the seniority list of the establishment of District & Sessions Judge, Tank of Assistant BPS-16, as existed earlier in seniority list Dated 31.12.2016.

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

The Appellant humbly submits as under;

1. That Appellant was inducted into District Judiciary Establishment District Tank as Junior Clerk (BPS-5) on 01.11.1993 and after passing through different stages of the service, now he is serving as Clerk of Court (BPS-16) in the Court of Senior Civil Judge, Tank. Copy of the service book of the Appellant showing his entire travelling into his service is enclosed as Annexure-A.

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- 2. That Respondent No.3 namely Liaqat Ullah was inducted into District Judiciary Establishment District Tank as Naib Qasid (BPS-1) on 01.03.1994 and after passing through different stages of the service, now he is serving as Civil Nazer (BPS-16) in the Court of Senior Civil Judge, Tank. Copy of the service book of the Respondent No.3 showing his entire travelling into his service is enclosed as Annexure-B.
- 3. That in order to comprehend the entire controversy between Appellant and respondent No.3, it is pertinent to mention their complete service history in chronological order in the following manner:-

Muhammad	Nawaz,	Liaqat Ullah,			
Petitioner		Repondent-3			
Junior Clerk	(BPS-5)	Naib Qasid (BPS-1) 01.03.1994			
01.11.1994 to 29.06.19	994	to 31.10.1994			
Senior Clerk	(BPS-7)	Process Server (BPS-1)			
30.06.1994 to 28.11.20	007	01.11.1994 to 10.01. \$99 7			
Assistant (BPS-14) 29	9.11.2007	Naib Nazir/Junior Clerk (BPS-			
to 19.05.2014		5) from 11.01.1997 to			
		22.12.2005			
Clerk of Court (BPS-	16) from	Civil Nazir (BPS-11) from			
20.05.2014 till date		23.12.2005 to 19.05.2016			
		Civil Nazir (BPS-16) from			
		20.05.2016 till date			

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4. That on 31.12.2012, the learned Senior Civil Judge, Tank issued seniority list of the Process Serving Agency, Tank and on 31.12.2015, another seniority list Dated 31.12.2015 was also issued by learned Senior Civil Judge, Tank. It is also pertinent to mention here that learned Senior Civil Judge, Tank also issued seniority list Dated 31.12.2016 of the Process Serving Agency and in all these aforesaid seniority lists of the Process Serving Agency, the name of Respondent

No.3 was placed on top of the seniority list but in the cadre of Process Serving Agency. Copies of the seniority lists Dated 31.12.2012, 31.12.2015 and 31.12.2016 of the Process Serving Agency are enclosed as **Annexure "C, D & E"** respectively.

- 5. That now coming to the case of the Appellant, his name appeared in the seniority list Dated 31.12.2013 just after the name of one Walibat Khan son of Faujdar (Assistant BPS-16), who later on, got the age of superannuation and it was the legitimate expectancy and right of the Petitioner to be placed on top of the common seniority list of the Establishment of Honourable District & Sessions Judge, Tank. Copies of the seniority lists of the Establishment of District & Sessions Judge, Tank Dated 31.12.2013 & 31.12.2015 are enclosed as Annexure "F & G".
- 6. That after the retirement of Walibat Khan (Assistant BPS-16), Appellant was expecting that his name will be placed on top of the common seniority list but through provisional seniority list Dated 31.12.2017, an adverse and illegal action has been taken. Instead of placing the name of the Appellant on top of the common seniority list, the Respondent No.3 has been ranked as senior to the Appellant. The provisional seniority list prepared on 31.12.2017 was issued and circulated on 14.02.2018 and the same was assailed by the present Petitioner by way of preferring within time departmental representation on 09.03.2018. Copies of the provisional seniority list Dated 31.12.2017 and departmental representation Dated 09.03.2018 are enclosed as Annexure "H&I" respectively.
- That Departmental representation against the provisional seniority list of the Petitioner was fixed for personal hearing

In and amount



by the Honourable District & Sessions Judge, Tank and vide impugned department appeal's rejection order Dated 27.04.2018, the same has been filed on patently illegal grounds. Copy of the departmental appeal's rejection order Dated 27.04.2018 is enclosed as **Annexure-J.**

- 8. That against the issuance of provisional seniority list, the Appellant also voiced his grievances before this Honorable Tribunal by way of preferring with in time service appeal which is pending and fixed for 30.08.2018. Copy of the service appeal Dated 10.05.2018 is enclosed as Annexure "K".
- 9. That after filing the service appeal of the Appellant against the provisional seniority list, the official Respondents issued final seniority list on 27.04.2018 by repeating the same illegality which has been assailed by way of preferring with in time departmental appeals before the departmental authorities on 21.05.2018 and 25/26.05.2018. However, the same have not been responded with in statutory period, thus deemed to be filed. Copy of the Final Seniority List Dated 27.04.2018 along with copy of Departmental Appeal is enclosed as Annexure "L".
- 10. **That** having left with no other alternate and efficacious remedy, the Appellant is constrained to knock the door of this honourable Tribunal, seeking redressal of his grievances on the following amongst others:-

GROUNDS

I. That the impugned common seniority list Dated 31.12.2017 issued on 27.04.2018 along with impugned implied departmental appeals rejection orders are against law, facts of the case and material available on the record, hence; not tenable in the eyes of law.



- II. That while taking impugned action firstly in the shape of preparation of common seniority list Dated 31.12.2017, 27.04.2018 and secondly by rejecting the departmental appeals of the Petitioner, settled principles of law of the seniority of the civil servants have been blatantly violated by the Respondents and that too without notice to the Appellant, thus the impugned action is liable to be undone by this Hon'ble Court.
- III. That date of birth of the Appellant is 01.04.1966 while the date of birth of the Respondent No.3 namely Liaqat Ullah is 04.02.1975. Similarly, the date of induction of the Appellant into service is 01.11.1993 while the date of induction of the Respondent No.3 into service is 01.03.1994. Similarly, the date of superannuation of Appellant is 31.05.2026 while the date of superannuation of Respondent No.3 is 03.02.2035. The Appellant did matric in 1982 while the Respondent No.3 did matric in 1992, so from all angles the Appellant is entitled to be ranked and placed as senior to the Respondent No.3; however, by way of impugned actions, the valuable rights of the Appellant have been bulldozed which are liable to be reviewed by this Hon'ble Tribunal.
- IV. That by way of impugned action, the future promotion prospects of the Appellant has been destroyed and diminished because Petitioner is reaching to the age of superannuation on 31.05.2026, while Respondent No.3 will reach to the age of superannuation on 03.02.2035, thus the impugned action is liable to be rectified and official Respondents needs to be directed to place the name of the Petitioner on top of the common seniority list of Assistants (BPS-16) the Establishment of District & Sessions Judge, Tank.
- V. That obedience to the Constitution and law is bounden duty of every one under the Constitution of Pakistan but the

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Respondents have failed to perform such Constitutional obligation, thus the impugned actions needs reappraisal by this Hon'ble Tribunal.

- VI. That legal and factual aspect of the controversy have not been appreciated by the official Respondents in its true legal perspective manner, thus the fundamental rights of the Petitioner have been infringed, which needs interference of this Hon'ble Tribunal.
- VII. Counsel for the Appellant may please be allowed to raise additional grounds at the time of arguments.

It is, therefore, most humbly prayed that instant Service Appeal may please be allowed as prayed for

Your Humble Petitioner

Dated: 26,08,2018

Muhammad Nawaz

Petitioner

Mobile No:- 0345-612-1863

Through Counsel,

ur-Rahman Kazi

Advocate High Court

Dera Ismail Khan

PAKHTUNKHWA; PESHAWAR

Service Appeal No of 2018

..Petitioner Muhammad Nawaz

Versus

Government of K.P.K etc.....Respondents

SERVICE APPEAL

CERTIFICATE

Certified that this is first Service Appeal involving the instant subject matter and that the Petitioner has not filed any other petition/Appeal earlier in this Honorable tribunal regarding the above stated controversy.

Petitioner / Nawa3
Through Commel

Zia-ur-Rahman Kazi Advocate High Court

Dera Ismail Khan



Service Appeal No of 2018

Muhammad Nawaz

Versus

Government of K.P.K etc.....Respondents

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Nawaz, the Petitioner, do hereby solemnly affirm and declare on oath:-

- 1. That accompanying service appeal has been drafted by my Counsel following my instructions
- 2. That all para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
- 3. That nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated:-26.08.2018

Nawa3 Deponent

Qath Commissioner

Tank

Service Appeal No of 2018	•
Muhammad Nawaz	Petitioner
Versus	•
Government of K.P.K etc	Respondents

SERVICE APPEAL

<u>List of Books refereed</u>:

- 1. Code of Civil Procedure, 1908.
- 2. The Constitution of Islamic Republic of Pakistan, 1973.
- 3. The K.P.K Civil Servant Act, 1973.
- 4. K.P.K Appointment, Promotion, Transfer Rules 1989.
- 5. K.P.K Service Tribunal Act, 1974.
- Peshawar High Court (Subordinate Courts Staff) Recruitment Rules,
 2003.

7. Judicial Precedents, favouring the case of the Petitioners.

Counsel for Petitioner

Note:-

Service Appeal with annexures along with three sets thereof are being presented in three separate enclosed covers.

Counsel for Petitioner

SERVICE APPEAL

MEMO OF ADDRESSES OF THE PARTIES

PETITIONER

Muhammad Nawaz, Clerk of Court/Assistant (BPS-16), District Judiciary, Tank

Respondents

- 1. District & Sessions Judge, District Tank.
- 2. Senior Civil Judge, District Tank.
- 3. Liaqat Ullah, Civil Nazer (BPS-16), Senior Civil Judge, Tank.

Dated:-26 .08.2018

Your Humble Petitioner

(12)

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

of 2018

DATED 27.04.2018 AND TO MAINTAIN STATUS QUO

In Service Appeal No of 2018
Muhammad NawazAppellant
Versus
Government of K.P.K etcRespondents
APPLICATION FOR INTERIM RELIEF BY SUSPENDING THOUSAND OF IMPUGNED FINAL COMMON SENIORITY LIS
OPERATION OF IMPUGNED FINAL COMMON SENIORITY LIS

Respectfully Sheweth:-

CM No.

- That above captioned service appeal is pending disposal in this Hon'ble Tribunal and instant application may please be read as part and parcel of the main appeal.
- 2. That presently, through impugned action by way of issuance of final common seniority list, valuable rights of the Petitioner have been taken away and there is every likelihood that the same might take effect against the interest of the Petitioner. However; on the other side the Petitioner has strong prima facie arguable case and balance of convenience also tilts in his favour.
- 3. That pending disposal of instant service appeal, if any further action is taken on the basis of impugned common final seniority list and promotions are made, the Petitioner would suffer colossal loss, rather the main purpose of filing the instant appeal would die.



It is humbly prayed that *pendente lite*; interim relief asked for may please be allowed in favour of the Petitioner as against Respondents.

Your Humble Petitioner

Dated: 26.08.2018

Muhammad Nawaz

Petitioner

Through counsel

Zia ur Rahman Kazi,

Advocate High Court

Dera Ismail Khan



Service Appeal No of 2018

Muhammad Nawaz

Versus

Government of K.P.K etc.....Respondents

SERVICE APPEAL

AFFIDAVIT

- I, Muhammad Nawaz, the Petitioner, do hereby solemnly affirm and declare on oath:-
 - 1. That accompanying application has been drafted by my Counsel following my instructions
 - 2. That all para wise contents of the accompanying application are true and correct to the best of my knowledge, belief and information;
 - 3. That nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or Nawo?
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Dated:- そ.08.2018

Qath Commissioner Tank

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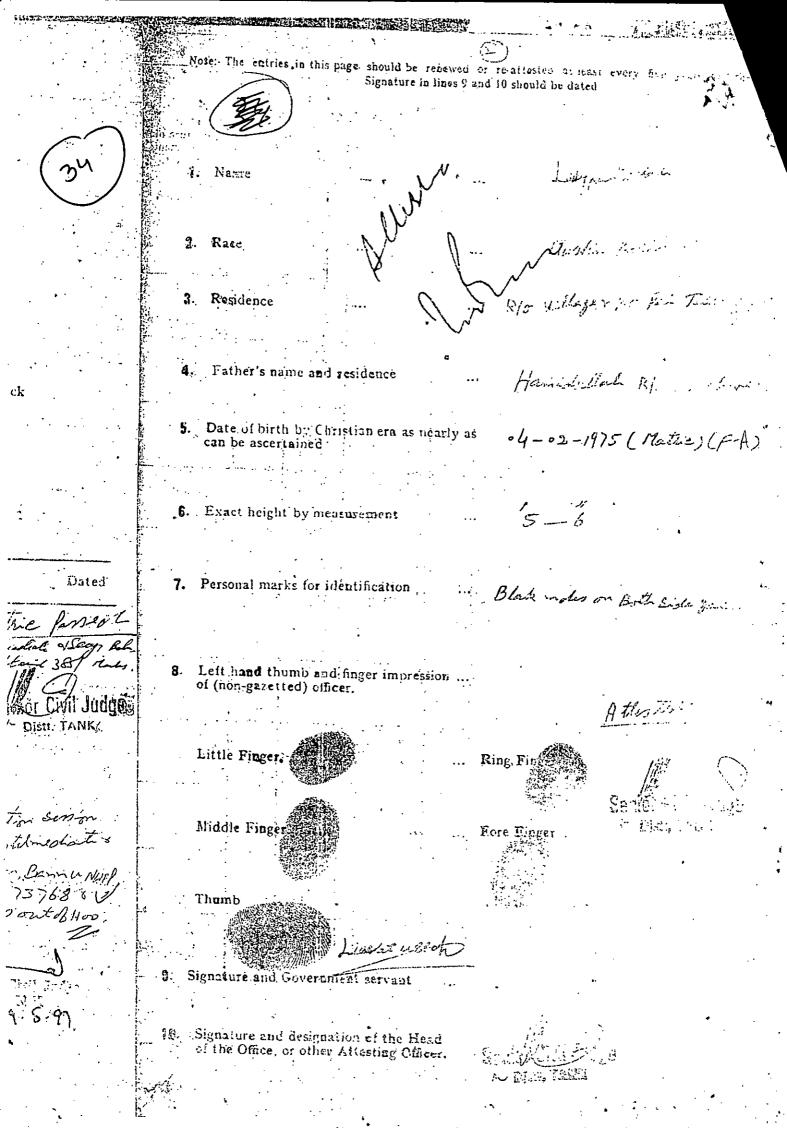
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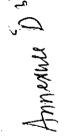
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SENIORITY LIST OF PROCESS SERVER AGENCY OF THE COURT OF SENIOR CIVIL JUDGE TANK ON 31.12.2012

S.	Name &	Father's	Domicile	Qualification	Date of Birth	Date of
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1.	Liagat Ullah C/Nazir	Hamid Ullah	Tank .	B.A	04.02.1975	01.03:1994
2.	Mohammad Saleem N/Nazir	Nasrullah Jan	Tank	Metric	16.04.1972*	03.11.1994
3.	Shams uz Zaman N/Nazir	Fateh Khan	Tank	Metric	03.03.1968	01.08.2003 -
4.	Toti Khaln Bailliff	Mohammad Jan	Tank	Middle .	-06.03.1958	01.10.1981
5.	Obaid Ullah Jan Bailliff	Said Khan	Tank	Middle	15.02.1962	18.07.1983
6.	Abdul Karim Bailliff	Abdullah Jan	Tank	Middle	11.03.1958	12.01.1987
7.	Habib Ullah P/Server	Saeed Ullah Jan	Tank	Middle	1977	02.05.1997
8.	Ibrahim Khalil P/Sevcr	Mohammad Noor	Tank	Metric	09.04.1975	01.08.2003
9.	Rehmat Ullah P/Server	Ghulam Akber	Tank	Metric	05.01.1978	01.08.2003
_ 10.	Murid Abbas P/Server	Gul Zaman	Tank	Metric	10.02.1974	23.04.2004
11.	Abdulla Jan P/Server	Sher Zaman	Tank -	F.A. Service of the service	e di le disegni deservicio	. 04.04.2005
	Tariq Mehmood Shah P/S	Ghulam Bashir Shah	Tank	Metric	09.03.1983	04.04.2005
	Naseeb Ullah P/Server	.Mohammad Rehman	Tank	Metric	10.03.1985	09.01.2006 :
	Barkat Ullah P/Server	Abdul Hakim	- Tank	M.A	12.05.1978	03.11.2011
	Farid Ullah P/Server	Spin Khan	Tank	B(A	01.02.1984	03.11.2011
16.	Mohammad Jibran P/Server	Khuda Bakash	Tank	B _A	01.02.1990	20.12.2012

James James

NADEEM NUHAMMAD Senior Civil Judge Tank



4.1





SEMIORITY LIST OF PROCESS SERVER AGENCY OF THE COURT OF SENIOR CIVIL JUDGE, TANK AS IT STOOD ON 31.12.2015

			Date & post of first	Date of	Date of attaining	Remarks
Date of birth	Domicile	Qualification	entry in Govt: service			(9)
<u> </u>	(4)	(5)	(6)			
·		B'ANDE	01:03:1994			
		Matric	03-11-1994			
	_ /	Matric	01-08-2003		L	
		Middle	01-10-1981			
		Middle	18-07-1983	22-04-2003		
d	L	Middle	12-01-1987		L + ·	
-1		Matric	02-05-1007			
		Matric	01-08-2003	03-12-2014	<u> </u>	
	1	F.A	01-08-2003	ļ	<u> </u>	
		Matric	23-04-2004	<u> </u>		
	<u> </u>	Matric	05-04-2005	ļ		
	<u> </u>	Matric	05-04-2005	. 		
		Matric	13-01-2006	<u> </u>	. l	
	ļ		03-11-2013	 		
		B.A	20-12-2012			
		B.A	11-12-2014	<u> </u>		
		F.S.C	11-12-2014	<u> </u>		
		D-Com	11-12-2014	ļ	<u> </u>	
		F.S.C	11-12-2014	_	·	
		M.A	11-12-2014	ļ		
		ВА	29-07-2015	_1	1.5-32-2000	1
25-12-1990	1					
	Date of birth (3)	(3) (4)	(3) (4) (5)	Date of birth Domicile Qualification entry in Govt: service (3)	Date of birth Domicile Qualification entry in Govt: service Present Post	Date of birth Domicile Qualification entry in Govt: service Present Post (5) (7) (8)

Allena

Senior Civil Judge, Tank





SENIORITY LIST OF PROCESS SERVER AGENCY OF THE COURT OF SENIOR CIVIL JUDGE, TANK AS II STOOD ON 31.12.2016

					Date & post of first	Date of . :	Date of attaining	Remarks
		Date of birth	Domicile	Qualification	entry in Govt: service	Present Post	superannuation	(0)
37.#	Name with parentage	Date of or the			÷	(7)	(8)	<u>(9)</u>
·	(2)	(3)	(4)	(D)	(6)	23-12-2005	*04:02-2035 H	
(1)	Liaqatullah Civil Nazir	04-02-1975		B. C. M. St.	03-11-1994	10-02-1998	16-04-2038	
1 -	Muhammad Salim Naib Nazir	16-04-1972	Tank	Matric	01-08-2003	23-12-2005	03-03-2028	
2		03-03-1968	Tank	Matric	01-10-1981	02-05-1997	16-03-2018	
3	Shams-uz-Zaman Naib Nazir	16-03-1958	Tank	Middle	18-07-1983	22-04-2003	15-02-2022	
4	Tooti Khan Bailiff	15-02-1962	Tank	Middle			11-03-2018	
5_	Obaidullab Jan Bailiff	11-03-1958	Tank	Middle	12-01-1987	03-12-2014	00-00-2037	
() - ()	Abdůl Karim Bailiff	00-00-1977	Tank	Matric	02-05-1997	03-12-2014	09-04-2035	
	Habibullah Bailiff	09-04-1975	Tank	Matric	01-08-2003	03-12 201	05-01-2038	
8	Ibrahim Khalil Bailiff	05-01-1978	Tank	F.A	01-08-2003		10-02-2034	
3	Rehmatullah Process Server	10-02-1974	Tank	Matric	23-04-2004	<u> </u>	10-01-2034	
10	Murid Abbas Process Server	10-01-1974	Tank	Matric	05-04-2005		09-03-2043	
1.1	Abdullah Jan Process Server	09-03-1983	Tank	Matric	05-04-2005		10-03-2045	,
12	Tariq Mehmood Shah Process Server	10-03-1985	Tank	Matric	13-01-2006		12-05-2038	
13	Naseebullah Process Server	12-05-1978	Tank	M.A.	03-11-2011	<u> </u>	01-02-2050	
4	Barkatuliah Process Server		Tank	B.A	20-12-2012			
15	Muhammad Jibran Process Server	01-02-1990	Tank	B.A	11-12-2014		03-06-2053	
16	Qudratullah Process Server	03-06-1991	Tank	F.S.C	11-12-2014		03-05-2053	
17	M. Mubashar Kamal Process Server	03-05-1993	Tank	D-Com	11-12-2014	ļ	10-10-2051	
18	Tauseef Wagar Process Server	10-10-1991	Tank	F.S.C	11-12-2014		20-04-2053	
19	Ishfaq Ahmad Process Server	20-04-1993		M.A	11-12-2014		15-03-2044	
20	Muhammad Riaz Process Server	15-03-1989	Tank	B.A	29-07-2015		25-12-2050	
71	Hafiz Fayyaz Muhammad Process Server	25-12-1990	_ Tank	J				
		•				7.		77

Senior Givit Judge, Tank

SENIORITY LIST OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, TANK 31.12 2013

]]/ S#	Name & Designation of official	Father's name	Domicile	J Basic pay	Qualification	Date of birth	Date of the second	
⊼'		<u> </u>		scale	Cadime ation	i bate of oith	Date of entry in	Date of entry in
$\sqrt{1}$	Two posts of Stenographer:				 		service	present scale/grade
1	1. Mashal Khan	. Raza Khan	Tank	16	M.SC	25.0€ 1978	13.01.2005	36.02.2000
ļ <u>-</u> -	2. Shafqat Ullah	Atta Ullah	Tank	16	M.Com	01-04-1985	21-12-2010	26.02.2009 21-12-2010
2	One post of Stenotypist:	Said Rahman	Tank	14	F.A	07.07.1977	29.06.2006	29.06.2006
3	3. Ali Muhammad						25.00.2000	23.00.2006
) 3	Three Posts of Assistants: 4. Wali Bat Khan		1					
i		Faujdar	Tank	14	Matric	03.10.1957	27.11.1977	01.02.2007
1	6. Shahid Hussain	Mehmood Khan	Tank		A STATE OF THE STA	204-1956 CF	1.1£19932	7. 01.04.1994
4		Ghulam Hussain	Tank	14	MBA(B&F)	01-07-1981	21-12-2010	21-12-2010
4	Four posts of Computer Operator 7. Muhammad Tahir	<u>)</u>						21 12 2010
	8. Ibrahim Khalil		Tank	14	M.C.S	06.04.1980	01.03.2007	01.03.2007
\	9. Umar Daud	Allah Bagh	Tank	14	BA	20.01.1979	06.11.2008	26.02.2009
		Umar Khan	Tank	14	M.C.S	15.03.1983	26.02.2009	26.02.2009
	10. Ehsan Ullah	Aman Ullah	Tank	14	MCS	19-09-1979	25-04-2009	25-04-2009
)	11. Aziz Ullah		Tank	9	FA	04.04.1965	01.11.1993	01.02.2007
	الله الله الله الله الله الله الله الله	Zafar Khan	<u> </u>	<u> </u>				
Ţ.		Naurang Khan	Tank	9	FÁ	01.05.1962	08.11.1993	08.11.1993
ĺ	13. Essa Khan	Daulat Khan	Tank	9	MA Political Science	- 01.01.1970	19.10,1993	19.09.1994
<u> </u>	14. Muhammad Yar Shiechica	Babaji	Tank	9	Matric	04-04-1973	22-01-1994	22-02-2013
1	Thirteen Posts of Junior Clerks		-				1	22-02-2013
	15. Saif ur Rahman (Magna)	Abdur Rahman	DiKhan] 7 [8A	01.05.1972	27.12.1992	54.65
ļ	16. Sami Ullah	Muhammad Jan	Tank	7	B.A	03.07.1976	21.10.1998	01.03.1995
	17. Gulzar Khan	Amaldar	Tank	7	Matric	20.12.1972		21.10.1998
	18. Humayun Khan	Umar Khan	Tank	7	Matric		02.01.1994	04.03.1999
	19. Sanaullah Khan 🚊 💆	Haq Nawaz	Tank	7-	BA	14.04.1969	08.12.1993	08.12.1993
5	20. Anwar Khan' (Ar	. Hamid Khan	Tank	7	BA	15.02.1979	05.11.2008	06.11.2008
3	21. Gul Nawaz	Umar Daraz	Tank	7	F.A	03.03.1979	06.11.2008	06.11.2008
	22. Muhammad Iqbal	Badshah Khan	Tank	7	Matric	12-06-1973	29-10-1998	29-05-2010
	23. Salim Khan	Sikander	Tank	7	B.A	. 06.02.1959	20.07.1994	20.07.1994
	24. Muhammad Yahya المعتمل ال	Muhammad Arshad	Tank	7	B.A	01-04-1974	05-04-2005	22-02-2013
	25. Khalid Mehmood / Hills	Amanullah Khan	Tank	7	B.A	11-05-1988	22-02-2013	22-02-2013
	26. Farad Nasir	Naseer Khan	Tank	7		10-01-1985	22-02-2013	22-02-2013
	27. Syed Izhar Ahmad Shah	Syed Bashir Ahmad Shah	Tank	7	B.A	20-06-1986	22-02-2013	22-02-2013
6	One Post of Driver:	Syco Bastill Attitud Shall	Idik		M.A	01-03-1991	22-02-2013	22-02-2013
	1.Waris Khan	Nader Khan	Tank	5				
7	Two Post of Daftri:	TOOCI KIIOII	TOTAL		Matric	12.02.1967	12.02.1991	01.04.1994
	1. Shahid Zaman	Qamar Zaman	Tank	3	BA I	07.05.4000		
8	Two posts of Naib Qasid	3	70.110		- DA	03.05.1989	06.11.2008	06.11.2008
	1. Muhammad Ayub	G#ani-ur-Rehmand	Tank	2	NI	1000		•
	2. Obaid Ullah Jan	Naee n Khan	Tank	2	Nii	1962	29.10.1987	12.09.1995
		7.	W		1411	1964	07.04.1994	06.11.2008

				-			T 1	, i	t
. •							70 00 2012 (22-02-2013	Ĺ
0	One post of Chaukidar:		Tank	01	l Nil I	23-03-1991	22-02-2013	22-02-2013	1
9	1. Taimoor Khan	Hidayat Ullah	, tank					· · · · · · · · · · · · · · · · · · ·	ĺ
			· ·	· ·		05.04.1967	05.04.2000	05.04.2000	1
10	Two posts of Sweepers	Sher Khan	Tank	. 02	Nil		06.11:2008	06.11.2008	l
	1. Niaz Hussain		Tank	01	Miodle · ···	12.01.1982 ;			١.
	a loavatuilah	Muhammad Afzal	1		L.———	7 7 1			

Note: Officials having any objection are required to submit the same to the undersigned within one month of the issue of the instant seniority list

(Hayat Gul Mohmand)
DISTRICT SESSIONS JUDGE, TANK

SENIORITY LIST OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, TANK 31.12.2016

A. Alichuramment	5#	. Name & Designation of official	Father's name	Demicile	Basic pay	Qualification	Date of birth	Date of entry in service	Date of entry in present scale/grade
2. All Authorsened Sept Sections Touris 16 F.A. \$7,07,1977 29.06.2005 17.02.2015 3. Visible Set Market Feet Set Set Set Set Set Set Set Set Set	7	Two posts of Stenographer:					!		i
	1	·	Baze Khan	Tank		N1.50			26.02.2009
2 1.	i L		Said Rahman	Tank	16	F.A	07,07.1977	29.06.2006	17.03.2015
Description Property Contract Mechanical Nian Took 16 E.A C.1.04.1966 OI.1.1.1993 20.05.2015			į.		Ì			1	
1	2					·			
2 1. Modernman Tahir Gui Zaman Tank 1.6.C.5 00.01.1980 01.02.2007 01.11.2012 2 Evaluir Kinšiji Alah Eagh Tank 1.6 5.4 20.01.1979 06.11.2008 01.11.2012 3. Umar David Uuser Khar Tank 1.6 M.C.5 15.0.4.1983 26.02.2009 01.11.2012 5. Abdullah Aman Uish Tank 1.6 M.C.5 15.0.4.1983 26.02.2009 01.11.2012 5. Abdullah Aman Uish Tank 1.6 M.C.5 15.0.4.1983 26.02.2009 01.11.2012 6. Muharmit Graeer Cell Ajam Tank 1.6 M.C.5 15.0.2.1992 06.01.2015 06.01.2015 7. Zahid Khan Guilarn Abba Guilarn Abba Tank 1.6 M.C.5 15.0.2.1992 06.01.2015 06.01.2015 8. Gengert of Banka Guilarn Abba Tank 1.6 M.C.5 15.0.2.1992 06.01.2015 05.05.62.014 9. Gengert of Banka Guilarn Abba Guilarn Abba Tank 1.5 MaA(0.6.1) 1. Swell khar Ahmad Shah Syed Bashir Ahmad Shah Tank 1.6 M.A. 01.03.1091 22.02.2013 06.01.22015 1. Swell khar Ahmad Shah Syed Bashir Ahmad Shah Tank 1.4 M.A. 01.03.1091 22.02.2013 06.01.22015 1. Azir Ulsh Zafar Khan Tank 1.4 F.A 01.04.1665 01.11.1998 20.05.2014 2. Ersa Khan Online Khar Tank 1.4 F.A 01.05.1962 08.11.1399 20.05.2014 3. Ersa Khan Online Khar Tank 1.4 F.A 01.05.1962 08.11.1399 20.05.2014 4. Muhammad Var Gaba Gaba Tank 1.4 Ma.Fin 04.6-1.973 22.01.1994 20.05.2014 3. Sami Ulsh Ushar Rahman Olehan Tank 1.4 Ma.Fin 04.6-1.973 22.01.1994 20.05.2014 3. Sami Ulsh Ushar Rahman Olehan Tank 1.1 Matric 10.07.1972 27.2.1992 20.05.2014 3. Guilar Khan Hamid Khan Tank 1.1 Matric 10.07.1972 27.2.1992 20.05.2014 4. Muhammad Yar Sami Ulsh Ushar Rahman Olehan Tank 1.1 Matric 10.07.1973 06.11.2008 20.05.2014 5. Sami Ulsh Ushar Mahamad Mahan Tank 1.1 Matric 10.07.1972 06.11.2008 20.05.2014 6. Anwar Khan Hamid Khan Tank 1.1 Matric 10.07.1974 05.04.2015 20.05.2014 7.	: 		Mehmood Khan	Tank	+	B.A.	01.04.1966	01.11.1993	20-05-2014
2. th saint finally Juliah Eagh Tank 15					16				
S. Umar David	3				- <u>-</u>	· · · · · · · · · · · ·	÷·· — — — — — — — — — — — — — — — — — —		
4. Erkan Ullah Aman Ullah Trank 16 MCS 19 (9-1979) 25-04-2009 01-122-2012 5. Abdullah Khan Trank 16 MCS 01.011992 05.01-2015 06.01-2015 6. Muhammad Kraeem Gel Ajem Trank 16 RGS 01.011992 06.01-2015 06.01-2015 7. Zahid Khan Gel Ajem Trank 16 RGS 03.05.1662 05.05.2013 06.01-2015 8. Can gest of Stenctysist Gen post of Stenctysist 9 Gen post of Stenctysist 1 1. Sved Bhar Ahmad Shah Stenctysist 1 01-07-1951 22-17-2010						- 	·!		
5. Addullah Khan L Yemb Ntan Tank 16 MCS 0.01,1992 06.01,2015 05.01,2015 6. Muhanmad Fisaera Gel Ajam Tank 16 MCS 15.02,1992 06.01,2015			· · · · · · · · · · · · · · · · · · ·					_ 	
6 Muhammat (1) Sent (1) Gul Ajam Tank 16 FAC 15.02.1992 06.01.2015 06.01.2015 06.01.2015 07.02.1015 06.01.2015 07.02.1015				···			·		
Characteristics						·			
Concept of S&A 1 Shehid Hussain Ghulam Hirssain Tank 15 M9A(88.F) 01-07-1951 21-12-2010 2	1	6. Muhammad Naeem	Gui Ajam	Tank	15	MCS	15.02.1992	06.01.2015	06.01.2015
1 Septid Hussain Student Hussain Tank 15 M4A(88E) 01-07-1931 21-17-2010 21-17-2010	į	2. Zahid Khan	Ghulam Abbas	Tank:	16	F.Sr	03.05.1986-	1 05,05,2015	05.05.2013
1. Syed Izhar Ahmad Shah Syed Bashir Ahmad Shan Tank 14 N.A. 01-03-1591 22-02-2013 06.01.22615	4	,							
1. Syed Ishar Ahmad Shah Syed Bashir Ahmad Shah Tenk 18	`		Ghulam Hussain	Tank	15	[[MBA(B&F)	01-07-1951	21-12-2010	21-1x-2010
Four Posts of Senior Clerks 2afar Khan Tank 14 FA 0.4.04.1955 0.1.11.1993 20-05-2014	5			1					00.01.000.10
1. Aziz Ullah Zzár Khan Tank 14 FA 04.04.1965 01.11.1993 20-05-2014	\		Syed Bashir Ahmad Shah	l lank	10	NI.A	01-03-1991	22-02-2013	06.01.72015
2. Ghulam Daud Naurang Khan Tank 14 FA 01.05.1962 08.11.1993 20-05-2014 3. Essa Khan Daulat Khan Tank 14 MA Political Science 01.01.1970 19.10.1993 20-05-2014 4. Muhammad Yar Sabaji Tank 14 Markic 04-0-1973 22-01-1994 20-05-2014 Effteen Posts of Junior Clerks 11 BA 01.05.1972 27.12.1992 20-05-2014 1. Sair ur Rahman Abdur Rahman DiKhan BA 01.05.1972 27.12.1992 20-05-2014 2. Sami Ullah Iduhammad Jan Tank 11 BJA 03.07.1976 21.10.1998 20-05-2014 3. Gulzar Khan Amaldar Tank 11 Matric 20.17.1972 02.01.1994 20-05-2014 4. Hunayun Klian Ulmar Khinn Iank 11 Matric 14.04.1969 08.17.1993 20-05-2014 5. Sansullah Khan Haq Nawaz Tank 11 BA 03.03.1979 06.11.2008 20-05-2014 6. Anwar Khan Hamid Khan Tank 11 BA 03.03.1979 05.11.2008 20-05-2014 7. Gul Nawaz Ulmar Daraz Tank 11 BA 03.03.1979 05.11.2008 20-05-2014 8. Salim Khan Sikander Tank 11 BA 01-05-1973 29-10-1998 23-05-2014 9. Muhammad Yahya Muhammad Arshad Tank 11 BA 01-05-1973 29-10-1998 23-05-2014 10. Khalid Mehmood Amanullah Khan Tank 11 BA 01-05-1988 22-02-2013 20-05-2014 11. Fathad Nasir Naseer Khan Tank 11 BA 03-05-1986 22-02-2013 20-05-2014 12. Muhammad Idpal Badshah Khan Tank 11 BA 03-05-1986 22-02-2013 20-05-2014 13. Shahid Zaman Qamar Zaman Tank 11 BA 03-05-1999 06-11-2008 08-11-2014 14. Nudasir Ali Majid Ghazanfar Ali Tank 11 BA 03-05-1999 06-11-2008 08-11-2014 14. Nudasir Ali Majid Ghazanfar Ali Tank 11 BA 03-05-1999 06-11-2008 08-11-2014 14. Nudasir Ali Majid Ghazanfar Ali Tank 11 BA 03-05-1999 06-11-2008 08-11-2014 14. Nudasir Ali Majid Ghazanfar Ali Tank 11 BA 03-05-1999 06-11-2008 08-11-2014 14. Nudasir Ali Majid Ghazanfar Ali Tank 11 FA 03-06-11-2015 10-02-2015 15. Salim Khan	5	_ 	Votas Khan	Tank	١ , ,		07.04.1055	01 11 1002	20.05.2011
3. Essa Khan Daulat Khan Tank 14 MA Political Science 01.01.1970 19.10.1993 20-05-2014 4. Muhammad Yar Sabaji Tank 14 Matrin 04-04-1973 22-01-1994 20-05-2014 Fifteen Posts of Junior Clerks DiKhan DiKhan DiKhan Daw DiKhan Daw DiKhan DiKha	ノ		·			·			
A. Muhammad Yar 5ataji Tank 14 Matric 04-04-1973 22-01-1994 20-05-2014		<u></u>		- 					
Fifteen Posts of Junior Clerks 1	! .			<u> </u>					
Saif ur Rahman		· · · · · · · · · · · · · · · · · · ·	- Fabaji	Tank	i	Matric j	04-04-1975	22-01-1994	20-05-2034
2. Sami Ullah Iduhammad Jan Tank 11 B.A 03.07.1976 21.10.1988 20.05-2014 3. Gulzar Khan Amaldar Tank 11 Matric 20.17.1972 02.01.1994 29-05-2014 4. Hunayun Khan Umar Khan Pank 11 Matric 14.04.1989 08.17.1993 20-05-2014 5. Sanauliah Khan Haq Nawaz Tank 11 6A 15-02.1979 06.11.2008 20-05-2014 6. Anwar Khan Hamid Khan Tank 11 6A 15-02.1979 06.11.2008 20-05-2014 7. Gul Nawaz Umar Daraz Tank 11 6A 12-06-1973 29-10-1998 20-05-2014 8. Salim Khan Sikander Tank 11 8A 01-04-1973 29-10-1998 20-05-2014 9. Muhammad Yshya Muhammad Arshad Tank 11 8A 11-05-1938 22-02-2013 20-05-2014 10. Khalid Mehmood Amanullah Khan Tank 11 8A 10-01-1985 22-02-2013 20-05-2014			1		11	ì			
3. Gulzer Khan 1		118 to 140 to 150 to							
1 1 1 1 1 1 1 1 1 1			(Auhammad Jan	Tank	11	D.A			
5. Sansullah Khan Haq Nawaz Tank 11 6A 15-02-1979 06-11-2008 20-05-2014 6. Anwar Khan Hamid Khan Tank 11 6A 03.03 1979 05-11-2008 26-05-2014 7. Guf Nawaz Urmar Dáraz Tank 11 6A 12-06-1973 29-10-1998 20-05-2014 8. Salim Khan Sikander Tank 11 8A 01-04-1974 05-04-2005 20-05-2014 9. Muhammad Yahya Muhammad Arshad Tank 11 8A 11-05-1938 22-02-2013 20-05-2014 10. Khalid Mehmood Amanullah Khan Tank 11 8A 10-01-1985 22-02-2013 20-05-2014 11. Farhad Nasir Naseer Khan Tank 11 8A 10-01-1985 22-02-2013 20-05-2014 12. Muhammad Igbal Badshah Khan Tank 11 8A 70-06-1986 22-02-2013 20-05-2014 13. Shahid Zaman Qamer Zaman Tank 11 8A 03.05-1939 06-11.2008 08-11-2014		3. Gulzer Khan	' Amaldar	Tank	11	Matric	20.12.1972	02 01.1994	20-05-2014
6. Anwar Khan Hamid Khan Tank 11 64 03.03 1979 05.11.2008 20-05-2014 7. Gul Nawaz Urnar Dáraz Tank 11 F.A 12-06-1973 29-10-1998 20-05-2014 8. Salim Khan 'Sikander Tank 11 B.A 01-04-1974 05-04-2005 20-05-2014 9. Muhammad Yahya Muhammad Arshad Tank 11 B.A 11-05-1938 22-02-2013 20-05-2014 10. Khalid Mehmood Amanullah Khan Tank 31 B.A 19-01-1985 22-02-2013 20-05-2014 31. Fathad Nasir Naseer Khan Tank 31 B.A 19-01-1985 22-02-2013 20-05-2014 32. Muhammad Igbal Badshah Khan Tank 31 B.A 70-06-1986 22-02-2013 20-05-2014 33. Shahid Zaman Qamar Zaman Tank 31 BA 03-05-1939 06-11-2008 08-11-2014 34. Mudasir Ali Majid Ghazanfar Ali Tank 31 F.A 02-04-1991 10-02-2015 10-0	:	4 Humayan Khan	Umar Khen	l'ank [11	Matric	14.04.1959	08.12.1993	20-05-2014
6. Anwer Khan Hamid Khan Tank 11 64 03.03 1979 05.11.2008 20-05-2014 7. Gul Nawaz Umar Dáraz Tank 11 F.A. 12-06-1973 29-10-1998 20-05-2014 8. Salim Khan 'Sikander Tank 11 B.A. 01-04-1974 05-04-2005 20-05-2014 9. Muhammad Yahya Muhammad Arshad Tank 11 B.A. 11-05-1938 22-02-2013 20-05-2014 10. Khalid Mehmood Amanullah Khan Tank 31 B.A. 10-01-1985 22-02-2013 20-05-2014 31. Faihad Nasir Naseer Khan Tank 11 B.A. 10-01-1985 22-02-2013 20-05-2014 12. Muhammad Igbal Badshah Khan Tank 11 B.A. 70-06-1986 22-02-2013 20-05-2014 13. Shahid Zaman Qamar Zaman Tank 11 BA 03.05-1939 06.11.2008 08-11-2014 14. Mudasir Ali Majid Ghazanfar Ali Tank 11 F.A. 02.04-1991 10.02.2015 <t< td=""><td></td><td>5. Sanauliah Khan</td><td>Hag Nawaz</td><td>Tank</td><td>11</td><td>Α3</td><td>15.02.1979</td><td>06.11.2008</td><td>20 05-2014</td></t<>		5. Sanauliah Khan	Hag Nawaz	Tank	11	Α3	15.02.1979	06.11.2008	20 05-2014
7 7. Gui Nawaz Urmar Dáraz Tank 11 F.A. 12-06-1973 29-10-1998 20-05-2014 8. Salim Khan Sikander Tank 11 B.A. 01-04-1974 05-04-2005 20-05-2014 9. Muhammad Yahya Muhammad Arshad Tank 11 B.A. 11-05-1938 22-02-2013 20-05-2014 10. Khalid Mehmood Amanullah Khan Tank 11 B.A. 10-01-1985 22-02-2013 20-05-2014 11. Farhad Nasir Naseer Khan Tank 11 B.A. 70-06-1986 22-02-2013 20-05-2014 12. Muhammad Igbal Badshah Khan Tank 11 Matric 06-02-1959 20-07-1994 20-05-2014 13. Shahid Zaman Qamer Zaman Tank 11 B.A. 03-05-1939 06-11-2008 08-11-2014 14. Mudasir Ali Majid Ghazanfar Ali Tank 11 F.A. 02-04-1991 10-02-2015 10-02-2015		6. Anwar Khan		Tank		B4	03.03 1979	05.11.2008	20-05-2014
8. Salim Khan Sikander Tank 11 B.A 01-04-1974 05-04-2005 20-05-2013 9. Muhammad Yahya Muhammad Arshad Tank 11 8.A 11-05-1938 22-02-2013 20-05-2014 10. Khalid Mehmood Amanullah Khan Tank 31 8.A 10-01-1985 22-02-2013 20-05-2014 11. Farhad Nasir Naseer Khan Tank 11 9.A 70-05-1986 22-02-2013 20-05-2014 12. Muhammad Igbal Badshah Khan Tank 11 Matrik 06.02 1959 20.07.1994 20-05-2014 13. Shahid Zaman Qamer Zaman Tank 11 BA 03.05.1939 06.11.2008 08-11-2014 14. Mudasir Ali Majid Ghazanfar Ali Tank 11 6.A 02.04.1991 10.02.2015 10.02.2015	_	7 Gul Nawaz	Limar Daraz	Tank			12-06-1973	29-10-1998	20-05-2014
9. Muhammad Yshya Muhammad Arshad Tank 11 8 A 11-05-1938 22-02-2013 20-05-2014 J0. Khalid Mehmood Amanullah Khan Tank 31 8.A 10-01-1985 22-02-2013 20-05-2014 J1. Farhad Nasir Naseer Khan Tank 11 8.A 70-05-1986 22-02-2013 20-05-2014 12. Muhammad Igbal Badshah Khan Tank 11 Matric 06-02 1959 20.07.1994 20-05-2014 13. Shahid Zaman Qamer Zaman Tank 11 BA 03.05.1939 06.11.2008 08-11-2014 14. Mudasir Ali Majid Ghazanfar Ali Tank 11 F.A 02.04.1991 10.02.2015 10.02.2015	′		—					i_	
J0. Khalid Mehmood Amanullah Khan Tank 31 8.A 10-01-1985 22-02-2013 20-05-2014 J1. Farhad Nasir Naseer Khan Tank 11 8.A 70-06-1986 22-02-2013 20-05-2014 12. Muhanimad Igbal Badshah Khan Tank 11 Matric 06.02 1959 20.07.1994 20-05-2014 13. Shahid Zaman Qamar Zaman Tank 11 BA 03.05.1939 06.11.2008 08-11-2014 14. Mudasir Ali Majid Ghazanfar Ali Tank 11 6.A 02.04.1991 10.02.2015 10.02.2015		A POST CONTRACTOR OF THE PROPERTY OF THE PROPE							·
J1. Farhad Nasir Naser Khan Tank 11 B.A 70-05-1986 22-02-2013 20-05-2014 12. Muhanimad Igbal Badshah Khan Tank 11 Matric 06.02 1959 20.07.1994 • 20-05-2014 13. Shahid Zaman Qamar Zaman Tank 11 BA 03.05.1939 06.11.2008 08-11-2014 14. Mudasir Ali Majid Ghazanfar Ali Tank 11 F.A 02.04.1991 10.02.2015 10.02.2015	į								
12. Muhanimad Igbal Badshah Khan Tank 11 Matric 06.02 1959 20.07.1994 • 20-05-2014 13. Shahid Zaman Qamer Zaman Tank 11 BA 03.05.1939 06.11.2008 08-11-2014 14. Nudasir Ali Majid Ghazanfar Ali Tank 11 E.A 02.04.1991 10.02.2015 10.02.2015	İ								
13. Shahid Zaman Qamer Zaman Tank 11 BA 03.05.1939 06.11.2008 08.11-2014 14. Aludasir Ali Majid Ghazanfar Ali Tank 11 F.A 02.04.1931 10.02.2015 10.02.2015	ŀ				i-				
14. Mudasir Alı Majid Ghazanfar Ali Tank 11 F.A 02.04.1991 10.02.2015 10.02.2015	ŀ		- 						
	-		 		·				
: 15 BERGO MALERAL Limano Robbeh 1 1502 11 5.4 745 (1991 1.507.2015 78.97.7015	}-	15. Benish Mughal	Imam Bakhsh	Tank	11	<u></u>	27.63.1991	28.07.2015	28.07.2015

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Á s	One Post of Driver:		1				:	
	1 Waris Khan	Nader Khan	Tank	07	Matric	12.02.1967	12.02.1991	01.04.1994
و	One post of Bailiff							·
Ĺ	1 Habib Ullah	Sand (I" thilan	Tank .	06	Matric	1977	. 02.05.1997	08.11.2014
	Two posts of Process Server	i		- 1			1	
10	Muhammad Mubashir Kamal	Khizar Hayat	Tank	05	F.SC .	03.05.1993	10.12.2014	10.12.2014
	2. Qudrat Ullan	Sarwar Jan -	Tank	05	BA	03.06.1993	10.12.2014	10.12.2014
1	Two Post of Daftri:		· .					
11	1. Inayat Ullah	Muhammad Afzal	Tank	05	Middle	12.01.1982	06.11.2008	08-11-2014
¥	2. Minissima, Tahi.	Muhammad Bashir	Tank	05	F.A	20.03.1990	20.12.2012	17.03.2015
1	Two ports of Naib Qasid							
12	1. Muhammad Ayus	Ghani-ur-Rehmand	Tank	04	Nil	1962	29.10.1987	12.09.1996
<i>l</i>	2. Sabbir Ullah	Obaid Uiláh Jan	Tank '	04	Middle :	15.01.1998 -	21.04.2016	21.04.2016
	Two posts of Sweepers							
13	-1. Niaz Hussain	Sher Khan	Tank	04	Nil	05.04.1967	05.04.2000	05.04.2000
	2. Shafi Ullah	Fazal Rehman	Tank	03	Matric	06.01.1997	06.01.2015	06.01.2015
	One post of Chaukidar:		· ·	, , ,				<u> </u>
	. 1. Yaimoor Khan	Hidayat Ullah	Tank	03	Nil"	23-03-1991	22-02-2013	22-02-2013

Note: Officials having any objection are required to submit the same to the undersigned within one month of the issue of the instant seniority list-

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JAND PERVEZ BLOCH)

DISTRICT SESSIONS JUDGE, TANK





ASSISTANTS (BPS-16) AND BUDGET & ACCOUNT ASSISTANT (BPS-15) OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, TANK AS IT STOOD ON 31.12.2017

Sr.#	,	Date of birth	Domicile	Qualification	Date & post of first entry in Govt; ser ice	Date of promotion /Induction to the present post	Mode of appointment	Date of attaining superannuation	Remarks
_(1)	(2)	(3)	(4)	(5)	(6)	(7)	D/P*		
2	Liagat Uliah s/o Hamid Ullah	04.02.1975	Tank	B.A	01.03.1994		(8)	(2)	(10)
	Mit cammad Nawaz s/c	-	,		As Process Serva	23.12.2005	Р	03.02.2035	!
	Meilmood Khan	01.04.1966	Tank	B.A _	. 01.11.1993 (,) - As Junior Clerk	29.11.2007	P	31.05.2026	
	Shahid Hussain s/o Ghulam Hussain *	01.07.1981	Tank	MBA(B&F)	21.12.2010	21.12.2010	D)		Provisionally included subject to equalization the basic pay scales.

* P = Promotion

*9 = Direct

14.02.2018

(Aurangzeb)

District & Sessions Judge, Tank

بنده من حماله دسترکت ایند سیشن می مادی تانی

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گزارش ہے کہ بیں مورخہ 1940-11-00 کوبطور جونیز کلرک بھرتی ہوا ہوں اور مورخہ 1994-20-30 کو ہرتی کر کے بینز کلرک کی پوسٹ ریکارڈ کیپر تعینات ہوا ہوں اور اس طرح مسلسل اپنی ڈیوٹی بخو بی سرانجام دیتار ہا ہوں اور بھی کسی افسر کو کسی تشم کی شکایت کا موقع نہیں دیا اور اس طرح مورخہ 2007-11-29 کورتی پاکر اسٹنٹ 1988-14 تعینات ہوا اور بطور کلرک آف کورٹ ڈیوٹی سرانجام دیتار ہا ہوں اور بینئرٹی لسٹ بیس اسٹنٹ 1988-12-31 تک بیس سینئرٹی کسٹ بیس دوسرے نمبر پر تھا البتہ وئی بت خان سینئرٹی لسٹ بیس مورخہ 2016-21-31 تک بیس سینئرٹی کسٹ بیس المبرٹی السٹ بیس نمبر 1 پر تھا البتہ وئی بت خان سینئرٹی لسٹ بیس المبرٹی کسٹ بیس المبرٹی کی سے جس بیس مینئرٹی لسٹ بیس نمبر 1 پر تھا البتہ وئی بنا ہے لہذا آپ صاحب کے دفتر ہے بینئرٹی لسٹ جاری کیا گیا ہے جس بیس کا طرح المبرٹی المبرٹی کاسول ناظر بطور سینئر المبرٹی المبرٹی کیا ہے جو کہ غیر قانونی اور کی بھت کا نتیجہ ہو کہ تھا تا کہ دیتا ت ہوا اور اپنی ڈیوٹی بطور بیا دہ سرانجام نائب قاصد بھرتی ہوا اس طرح مورخہ 1994-10-11 کورتی پاکر بطور 5-8 PB سول نائب ناظر تعینات ہوا اب اس طرح مورخہ 2015-11-10 کورتی پاکر بطور 5-8 PB سول نائب ناظر تعینات ہوا اب اس طرح مورخہ 2015-11-10 کورتی پاکر بیش نے صاحب کے اختیار میں ہوتا ہے جو کہ جزل سٹان کلرک سیشن جی صاحب کے اختیار میں ہوتا ہے جس میں ہوتا ہے جو کہ جزل سٹان کلرک سیشن جی صاحب کے اختیار میں ہوتا ہے جس سے صدف نسر نہیں کیا گیا تو جزل سٹان کی کر بھور کی ہوگر کیا گیا تو جزل سٹان کے زمرے میں نہیں آئی۔ دوران ہر دس ایک رسٹوں ایک در سٹوں تی تو تعلق ہوگی جو کہ جزل سٹان کے کیئر ٹی سٹوں کیا گیا تو جزل سٹان کے زمرے میں نہیں تیں تھیں تو تعلق ہوگی جو تو تعلق ہوگی جو کہ جزل سٹان کے کیئر ٹی گیا گیا گیا کہ کو کیسٹوں کے در سے میں نہیں آئی۔

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on file.

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Pustrict & Session Judge
"Tank"

الہٰذااستدعاہے کے سینئر ٹی لسٹ سال 2017 کی درنگی کی جائے۔ حجرہ میں ہم م محمینو از کلرک آف کورٹ /اسٹینٹ عدالت سینئرسول جج صاحب ٹا نکا

Allowed 25

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A.

IN THE COURT OF DISTRICT & SESSIONS JUDGE, TANK

ORDER 27/04/2018



This Order shall dispose of departmental representation dated 09/03/2018 filed by the Petitioner Muhammad Nawas, Clerk of Court/Assistant whereby he challenged provisional tentative seniority list of officers/officials pertaining to the Establishment of District and Sessions Judge, Tank which was circulated vide Office Order No.212/DSJ dated 14/02/2018.

- 2. The applicant contended that his name was mentioned at Serial No.2 instead of serial No.1. The main objection of the applicant was that official at serial no.1, LiaqatAli, Civil Nazir was not mentioned in previous seniority lists so in fresh seniority list his name was not justified to be mentioned. His further objection was that the official at serial No.1 was junior to him and he entered in the service of District Judiciary Tank subsequently after the applicant.
- The applicant and the respondent were heard in person and their respective contentions were taken into consideration.
- 4. As per Subordinate Courts Staff Recruitments Rules 2003, (at serial no.1 of the appendix), a joint seniority list of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir (serial No.4 to 8) shall be maintained for the purpose of further promotion to the post of Superintendent of the Office. Admittedly, the respondent/Liaqat Ali is Civil Nazir. As per rules referred to above, his name must appear in the joint seniority list for the said purpose. If his name was not mentioned previously in the seniority list, this was not his fault and he cannot be continuously kept out of his relevant seniority list. One wrong cannot justify another wrong.

5. The Record shows that the applicant was promoted to present position on 29/11/2007 whereas the respondent was promoted to present position on 01/07/2007 (vide Consigendum order No. 505/18) 28 4 18

6. The application or representation of the applicant, Muhammad Nawas, Assistant is wrong both on factual and legal grounds, hence cannot be accepted. The application stands disposed of, accordingly. The office is directed to intimate the applicant along with a copy of this Order, accordingly.

Announced . 27/04/2018

(Aurangzeb)
District and Sessions Judge Tank

Address of the second

OFFICE OF THE DISTRICT & SESSIONS JUDGE, TANK

No. <u>SOS</u> /DSJ

Datied Tank the <u>28 / 04</u> /2018

Office phone #: 0963-510024 Fax #: 0963-510515

E mail: dsjtank@gmail.com



OFFICE ORDER

In continuation of this office order dated 27.04.2018 vide No.503/DSJ date of 01.07.2007 mentioned in para No.05 should be read as 23.12.2005. Necessary correction is also made in original order, accordingly.

(Aurangzeb)

District & Sessions Judge, Tank

Allerted Und aus-

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No._____ of 2018

Muhammad Nawaz, Clerk of Court/Assistant (BPS-16), District Judiciary, Tank

Petitioner

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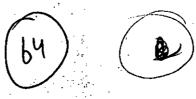
Versus

- 1. **District & Sessions Judge**, District Tank.
- 2. Senior Civil Judge, District Tank.
- 3. Liaqat Ullah, Civil Nazer (BPS-16), Senior Civil Judge, Tank.

 Respondents

PAKHTUNKHWA SERVICE TRIBUNEL ACT, 1974 AIMED
AGAINST THE IMPUGNED PROVISIONAL SENIORITY LIST
OF THE MINISTERIAL ESTABLISHMENT OF DISTRICT &
SESSIONS JUDGE, TANK, AS IT STOOD ON 31.12.2017 AND
CIRCULATED THROUGH OFFICE ORDER NO.212/DSJ
DATED 14.02.2018 AND ALSO AIMED AGAINST THE
IMPUGNED DEPARTMENTAL APPEALS' REJECTION
ORDERS DATED 27.04.2018 BEING ILLEGAL, VOID AB

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INITIO, ABRITRARY AND AGAINST THE SETTLED PRINCIPLES OF SENIORITY CRITERIA.

PRAYER IN APPEAL

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Ist of the ministerial establishment of District & Sessions Judge, Tank, as reflected on 31.12.2017 and circulated through office order No.212/DSJ Dated 14.02.2018 with further request to set aside the impugned departmental appeal's rejection order Dateil 27.04.2018 passed by Hon'ble District & Sessions Judge, Tank/Respondent No 1 by directing the official Respondents to place the name of the Petitioner on top of the seniority list of the establishment of District & Sessions Judge, Tank of Assistant BPS-16, as existed earlier in seniority list Dated 31.12.2016.

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

The Petitioner humbly submits as under;

1. That Petitioner was inducted into District Judiciary
Establishment District Tank as Junior Clerk (BPS-5) on





01.11.1993 and after passing through different stages of the service, now he is serving as Clerk of Court (BPS-16) in the Court of Senior Civil Judge, Tank. Copy of the service book of the Petitioner showing his entire travelling into his service is enclosed as <u>Annexure-A.</u>

That Respondent No.3 namely Liaqut Ullah was inducted into District Judiciary Establishment District Tank as Naib Qasid (BPS-1) on 01.03.1994 and after passing through different stages of the service, now he is serving as Civil Nazer (BPS-16) in the Court of Senior Civil Judge, Tank. Copy of the service book of the Respondent No.3 showing his entire travelling into his service is enclosed as Annexure-B.

3. That in order to comprehend the entire controversy between Petitioner and respondent No.3, it is pertinent to mention their complete service history in chronological order in the following manner:-

Muhammad N	T	Tiomat IIIIah
iviunammad r	lawaz,	Liaqat Ullah,
Petitioner		Repondent-3
Junior Clerk	(BPS-5)	Naib Qasid (BPS-1) 01.03.1994
01.11.199 3 to 29.06.199	4	to 34.10.1994
Senior Clerk	(BPS-7)	Process Server (BPS-1)
30.06.1994 to 28.11.200)7	01.11.1994 to 10.01. 8997
Assistant (BPS-14) 29.	11.2007	Naib Nazir/Junior Clerk (BPS-
to 19.05.2014		5) from 11.01.1997 to
		22.12.2005
Clerk of Court (BPS-1	6) from	Civil Nazir (BPS-11) from
20.05.2014 till date		23.32.2005 to 19.05.2016
		Civil Nazir (BPS-16) from
		20.05.2016 till date

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- That on 31.12.2012, the learned Senior Civil Judge, Tank issued seniority list of the Process Serving Agency, Tank and on 31.12.2015, another seniority list Dated 31.12.2015 was also issued by learned Senior Civil Judge, Tank. It is also pertirent to mention here that learned Senior Civil Judge, Tank also issued seniority list Dated 31.12.2016 of the Process Serving Agency and in all these aforesaid seniority lists of the Process Serving Agency, the name of Respondent No.3 was placed on top of the seniority list but in the cadre of Process Serving Agency. Copies of the seniority lists Dated 31.12.2012, 31.12.2015 and 31.12.2016 of the Process Serving Agency are enclosed as Annexure "C, D & E" respectively.
- 5. That now coming to the case of the Petitioner, his name appeared in the seniority list Dated 31.12.2013 just after the name of one Walibat Khan son of Faujdar (Assistant BPS-16), who later on, got the age of superannuation and it was the legitimate expectancy and right of the Petitioner to be placed on top of the common seniority list of the Establishment of Honourable District & Sessions Judge, Tank. Copies of the seniority lists of the Establishment of District & Sessions Judge, Tank Dated 31.12.2013 & 31.12.2015 are enclosed as Annexure "F & G".
- 6. That after the retirement of Walibat Khan (Assistant BPS-16), Petitioner was expecting that his name will be placed on top of the common seniority list but through impugned seniority list Dated 31.12.2017, an adverse and illegal action has been taken. Instead of placing the name of the petitioner on top of the common seniority list, the Respondent No.3 has been ranked as

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senior to the Petitioner. The impugned seniority list prepared on 31.12.2017 was issued and circulated on 14.02.2018 and the same was assailed by the present Petitioner by way of preferring within time departmental representation on 09.03.2018. Copies of the impugned seniority list Dated 31.12.2017 and departmental representation Dated 09.03.2018 are enclosed as Annexure "H & I" respectively.

Kulender 7.

- That departmental representation of the Petitioner was fixed for personal hearing by the Honourable District & Sessions Judge, Tank and vide impugned department appeal's rejection order Dated 27.04.2018, the same has been filed on patently illegal grounds. Copy of the departmental appeal's rejection order Dated 27.04.2018 is enclosed as Annexure-I.
- 8. That having left with no other alternate and efficacious remedy, the Petitioner is constrained to knock the door of this honourable Tribunal, seeking redressal of his grievances on the following amongst others:-

GROUNDS

- -
- I. That the impugned common seniority list Dated 31.12.2017 issued and circulated on 14.02.2018 along with impugned departmental appeal's rejection order Dated 27.04.2018 are against law, facts of the case and material available on the record, hence; not tenable in the eyes of law.
- II. That while taking impugned action firstly in the shape of preparation of common seniority list Dated 31.12.2017





and secondly by rejecting the departmental appeal of the Petitioner, settled principles of law of the seniority of the civil servants have been blatantly violated by the Respondents and that too without notice to the Petitioner, thus the impugned action is liable to be undone by this Hon'ble Court.

III. That date of birth of the Petitioner is 01.04.1966 while the date of birth of the Respondent No.3 namely Liaquit Ullah is 04.02.1975. Similarly, the date of induction of the Petitioner into service is 01.11.1993 while the date of induction of the Respondent No.3 into service is 01.03.1994. Similarly, the date of superannuation of Petitioner is 31.05.2026 while the date of superannuation of Respondent No.3 is 03.02.2035. The Petitioner did matric in 1982 while the Respondent No.3 did matric in 1992, so from all angles the Petitioner is entitled to be ranked and placed as senior to the Respondent No.3; however, by way of impugned actions, the valuable rights of the Petitioner have been bulldozed which are liable to be reviewed by this Hon'ble Tribunal.

- IV. That by way of impugned action, the future promotion prospects of the Petitioner has been destroyed and diminished because Petitioner is reaching to the age of superannuation on 31.05.2026, while Respondent No.3 will reach to the age of superannuation on 03.02.2035, thus the impugned action is liable to be rectified and official Respondents needs to be directed to place the name of the Petitioner on top of the common seniority list of Assistants (BPS-16) the Establishment of District & Sessions Judge, Tank.
 - V. That obedience to the Constitution and law is bounden duty of every one under the Constitution of Pakistan but

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the Respondents have failed to perform such Constitutional obligation, thus the impugned actions needs reappraisal by this Hon'ble Tribunal.

VI. That legal and factual aspect of the controversy have not been appreciated by the official Respondents in its true legal perspective manner, thus the fundamental rights of the Petitioner have been infringed, which needs interference of this Hon'ble Tribunal.

VII. Counsel for the petitioner may please be allowed to raise additional grounds at the time of arguments.

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It is, therefore, most humbly prayed that instant Service Appeal may please be allowed as prayed for

Your Humble Petitioner

Dated: 16.05.2018

Muhammad Nawaz

Petitioner

Mobile No:- 0345-612-1863

NaWa3

Through Counsel,

Zia-ur-Rahman Kazi

Advocate High Court Dera Ismail Khan

FINAL SENIORITY LIST IN RESPECT OF STENOGRAPHERS (BPS-16) OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, TANK AS IT STOOD ON 31.12.2017

Sr.#	Name with parentage	Date of birth	Domicile	Qualification	Date & post of first entry in Govt: service	Date of promotion /Induction to the present post	Mode of appointment D/P*	Date of attaining superannuation	Remarks
(1)	(2)	(3)	(4)	<i>j</i> (5)	(6)	(7)	(8)	(9)	(10)
1	Mashal Khan s/o Raza Khan	25.06.1978	Tank	M.Sc -	13.01.2005 As Junior Clerk	26.02.2009	D	24.05.2038	
2	Ali Muhammad s/o Said Rehman	07.07.1977	Tank	F.A	29.06.2006 As stenotypist	17.03.2015	P _.	06.07.2037	-



FINAL SENIORITY LIST IN RESPECT OF ASSISTANTS (BPS-16) AND BUDGET & ACCOUNT ASSISTANT (BPS-15) OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, TANK AS IT STOOD ON 31.12.2017

Sr.#	Name with parentage	Date of birth	Domicile	Qualification	Date & post of first entry in Govt: service	Date of promotion /Induction to the present post	Mode of appointment D/P*	Date of attaining superannuation	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Liaqat Ullah s/o Hamid Ullah	04.02.1975	Tank	B.A	01.03.1994 As Process Server	23.12.2005	P	03.02.2035	1
2 .	Muhammad Nawaz s/o Mehmood Khan	01.04.1966	Tank	B.A	01.11.1993 As Junior Clerk	29.11.2007	· .p	31.05.2026	
٠ .	Shahid Hussain s/o Ghulam Hussain	01.07.1981	Tank	MBA(B&F)	21.12.2010	21.12.2010	 D	30.05.2041	Provisionally included subject to equalization of the basic pay
						2 1 2	<u> </u>		scales.

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America Company

، بی بعور سیم مرک ڈیونی سرانجام ہیں دی۔ اگر اس کانام جزل سٹاف کے کسٹ سے حذف نہیں کا گیات**ہ جز ا**ر اور کی سخہ ج

From

Abdur Rahman Khan

District & Sessions Judge.

Tank

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The Worthy Registrar,

Peshawar High Court, Peshawar

No. 8/7

/G dated the Tank 64 - 69 -/2007

Subject:

FILLING OF VACANCY OF SUPERINTENDENT

(BPS-16) IN THE COURT OF DISTRICT A

SESSIONS JUDGE, TANK

Respected Sir,

Reference your letter # 8403/Admn dated 31.08.2007, on the subject cited above; I have the honour to submit the requisite ACRs forms of the senior most officials of the Court of undersigned namely

- (1) Kifayat Ullah Khan, Assistant/COC to Senior Civil Judge, Tank,
- (2) Walibat Khan, Assistant/Reader to Additional District & Sessions Judge, Tank &
- (3) Muhammad Nawaz, Sr Clerk/Reader to Senior Civil Judge, Tank, as desired please.

Yours Faithfully,

(Abduk Rafiman Khan), District & Sessions Judge

Tank

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Attenten



ThePESHAWAR HIGH COURT Peshawar

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

Exch: Off:

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No. 8403 /Admn:

Dated Pesh: the 31/08/2007

From:-

The Registrar, Peshawar High Court, Peshawar.

To:-

District & Sessions Judge, Tank.

Sub: -

FILLING OF VACANCY OF SUPERINTENDENT (BPS-16) IN THE COURT OF DISTRICT & SESSIONS JUDGE, TANK.

Dear Sir,

I am directed to refer to your letter No.802 dated 25.08.2007, on the subject and to request you to forward the ACRs of the three senior most officials for the last three years to this Court for perusal and necessary action, please.

Yours Faithfully,

(SYED MUSADIQ HUSSAIN GILANI)

REGISTRAR

My computer/Branch D/Amjad/General Branch/Sessions letters/DSJ, Tank Letters

بخدمت جناب ڈسٹر کٹ اینڈ سیشن جج صاحب ٹائک عنوان: در معملات فظر ثاني / ڈیپار ٹمینٹل اپیل بر خلاف فائنل سینیار ٹی نسٹ مور خہ 27.04.2018

یہ کہ من سائل نے قبل ازیں پرویژنل سینیارٹی لسٹ کے خلاف مور خد 09.03.2018 کو اپیل دائر کی تھی جو کہ بروئے تھا ور خہ 27.04.2018 کوخارج فرمائی جا بھی ہے۔اب من سائل کے علم میں آیاہے کہ پرویژنل سینیار ٹی لسٹ بناتے ہوئے غیر قانونی طوأر پر ا فیا بنا سینیارٹی کسٹ مور خد 27.04.2018 کو جاری کی گئی جو کہ من سائل کے حقوق پر غیر مؤثر ہے اور یہاں پریہ امر بھی بیان کر نا اذ خط ضروری ہے کہ فائنل سینیارٹی کسٹ مور خد 27.04.2018 سائل کو Communicate نہیں کی گئی ہے۔ چونکہ من سائل مور جیہ 993 / 01.11 کو بطور جو نئیر کلرک بھرتی ہوا اور مور خہ 30.06.1994 کو ترقی یا کر سئینر کلرک پوسٹ پر ریکارڈ کیپر بنعینات رہا۔ اور سلسل اپنی ڈیوٹی بخوبی سرانجام دیتا رہا، دورانِ سروس تبھی کسی افسر کو کسی بھی قشم شکایت کا موقع نہیں دیا اور اس طرح مورخہ 29.11.2007 کو ترقی یا کر اسسٹنٹ BPS-14 تعینات ہوااور بطورِ کلرک آف کورٹ کی ڈیوٹی تاحال سرانجام دیتارہا۔ جبکہ اس کے برعكس ليافت الله سول ناظر مور خيد 1994. 01.03 كوبطور نائب قاصد بھرتی ہے اور مور خيد 01.11.1994 كوپيادہ تعينات ہوااور پيادہ كی ڈیوٹی سر انجام دیتازہا۔ اور مور خہ 11.01.1997 کوتر تی یا کر بطورِ سول نائب ناظر 5-BPS تعینات ہوا۔ جس سے صاف واضح ہو تاہے کہ لیافت اللہ من سائل سے پورے چار ماہ بعد بھرتی ہوااور سول ناظر ایک الگ کیڈر ہے جو کہ سینئر سول جج صاحب کے اخیتارات میں ہو تا ہے اور سائل کلرک جزل سٹاف میں ہے جو کہ ڈسٹر کٹ اینڈ سیشن جج صاحب کے اختیار میں ہو تاہے۔ اور لیافت اللہ نے دوران سروس ایک دن بھی ابطور سینئر کلرک ڈیوٹی سر انجام نہیں دی۔اگر اس کانام جزل سٹاف کے اسٹ سے حذف نہیں کیا گیاتو جزل سٹاف کی سخت حق تلفی ہو گی۔ Allaled

لہذامہر بانی فرماکر در تھی کی جائے، سائل تاعمر دعا گورہ گاہی العارض

در خبه: 21.05.2018

سائل: محمد نواز کلرک آف کورٹ،عدالت سینئر سول جج ٹانک

Nawaz

مخد من چناپ ریستر در مدین به اور باز کورث پیشاور 27.04.2018 فدیار میش انزری خداف ای شریعی ریش است مور قد 27.04.2018

جناسيوعالي

رة المروق في المسيخرق سد والمحافظ الأراج والصاحر كالمراجع الكروسية في المراجع

25.05.7018:25.20

الواران

July Jung Nawa