

خدمت جناب رجسٹرار صاحب پشاور ہائی کورٹ پشاور

ڈیپارٹمنٹل اپیل برخلاف فائنل سینیاریٹی لسٹ مورخہ 27-04-2018

عنوان:

Beldi

جناب عالی!

گزارش ہے کہ من سائل نے قبل ازیں پرویشٹل سینیاریٹی لسٹ کے خلاف مورخہ 09-03-2018 کو اپیل عدالت ڈسٹرکٹ اینڈ سیشن جج صاحب ٹانک میں دائر کی تھی جو کہ بروئے حکم مورخہ 27-04-2018 کو خارج ہو چکی ہے۔ اب من سائل کے علم میں آیا ہے کہ پرویشٹل سینیاریٹی لسٹ بناتے ہوئے غیر قانونی طور پر فائنل سینیاریٹی لسٹ مورخہ 27-04-2018 کو عدالت ڈسٹرکٹ سیشن جج صاحب ٹانک سے جاری کی گئی جو کہ من سائل کے حقوق پر غیر مؤثر ہے اور یہاں پر یہ امر بھی بیان کرنا از حد ضروری ہے کہ فائنل سینیاریٹی لسٹ مورخہ 27-04-2018 کو عدالت ڈسٹرکٹ اینڈ سیشن جج صاحب ٹانک نے سائل کو Communicate نہیں کی گئی ہے۔ چونکہ من سائل مورخہ 01-11-1993 کو بطور جونیئر کلرک بھرتی ہوا اور مورخہ 30-06-1994 کو ترقی پا کر سینئر کلرک کی پوسٹ پر ریکارڈ کپیر تعینات رہا۔ اور مسلسل اپنی ڈیوٹی بخوبی سرانجام دیتا رہا۔ دوران سروس کبھی کسی افسر کو کسی بھی قسم کی شکایت کا موقع نہیں دیا اور اس طرح مورخہ 29-11-2007 کو ترقی پا کر اسٹنٹ 14 - BPS تعینات ہوا۔ اور بطور کلرک آف کورٹ کی ڈیوٹی تا حال سرانجام دیتا رہا۔ اور سال 2016 تک کی سینیاریٹی لسٹ میں من سائل دوسرے نمبر پر تھا اور اول نمبر پر سینیاریٹی لسٹ میں ولی بت خان تھا جو کہ اب ریٹائر ہو چکا ہے۔ جب کہ اس کے برعکس لیاقت اللہ سول ناظر 2016 تک کی سینیاریٹی لسٹ میں نام تک بھی موجود نہ ہے۔ اور لیاقت اللہ سول ناظر مورخہ 01-03-1994 کو بطور نائب قاصد بھرتی ہے اور مورخہ 01-11-1994 کو پیادہ تعینات ہوا اور پیادہ کی ڈیوٹی سرانجام دیتا رہا۔ اور مورخہ 11-01-1997 کو ترقی پا کر بطور نائب ناظر 5 - BPS تعینات ہوا۔ اس سے صاف واضح ہوتا ہے کہ لیاقت اللہ من سائل سے پورے چار ماہ بعد بھرتی ہوا اور سول ناظر ایک الگ کیڈر ہے جو کہ سینئر سول جج صاحب کے اختیارات میں ہوتا ہے اور سائل کلرک جنرل سٹاف ہے جو کہ ڈسٹرکٹ اینڈ سیشن جج صاحب کے اختیار میں ہوتا ہے۔ اور لیاقت اللہ نے دوران سروس ایک دن بھی بطور سینئر کلرک ڈیوٹی سرانجام نہیں دی۔ اگر اس کا نام جنرل سٹاف کی لسٹ سے ہدف نہیں کیا گیا تو جنرل سٹاف کی سخت حق تلفی ہوگی۔

لہذا مہربانی فرما کر سینیاریٹی لسٹ 2017 کی درستگی کی جائے۔ سائل تا عمر دعا گور ہے گا۔

ارض

مورخہ: 25 / 05 / 2018

nawaz

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

# وکالت نامہ

کوٹ  
فیس

ایک روپیہ  
قیمتی

عدالت چیمبر صاحبہ حیدرآباد صاحبہ حیدرآباد

مخاطب: ایڈوائس

نام: محمد نواز

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

سروس ایبل

## باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی و جواب دہی برائے پیشی یا تصفیہ مقدمہ بنا کر

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بزرگ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پانچ بجے تک مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی غلطی سے خلافت ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر واخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسانے ڈگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیروی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخ ڈگری یک طرفہ یا درخواست حکم اتناہی یا قرتی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا یعنی علیحدہ علیحدہ اختیار ہو گا اور تمام ساختہ پر واخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 26 ماہ 2078

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted  
Muhammad Sami  
26/10/2078

Nawaz  
Appellant

حسن کا بیڑہ سنٹر اندرون بین زر مارکیٹ بالقابل جائزہ پور ڈیرہ اسماعیل خان

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1151/2018

Muhammad Nawaz .....Appellant

Versus

The Registrar PHC & another.....Respondents

INDEX

S.#	Description of Documents	Date	Annexure	Pages
1.	Reply along with Affidavit			1-4
2.	Seniority List		Reply/1	5
3.	Notification of general Up-gradation	28.07.2007	Reply/2	6
4.	Notification of general Up-gradation	20.05.2014	Reply/3	7

Respondent No.2  
(Registrar, PHC)

Through

**Khaled Rahman**  
*Advocate,*  
*Supreme Court of Pakistan*

3-D, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458  
Cell # 0345-9337312

Dated: 27/03/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1151 /2018

Muhammad Nawaz.....Appellant

Versus

The Registrar PHC & another.....Respondents

---

WRITTEN STATEMENT ON BEHALF OF RESPONDENT NO.02

---

Respectfully Sheweth,

**LEGAL OBJECTIONS**

1. That the instant appeal is time barred whereas appellant is aggrieved from the final seniority list dated 31.12.2017 and as per Section-3 of Appeal Rules-1986 *a civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority.* Whereas no Departmental Appeal against the final Seniority List was filed which is mandatory requirement before availing the remedy of this Hon'ble Tribunal.
2. That appellant has not cause of action to entertain the remedy of this Hon'ble Tribunal on the ground that appellant is establish junior to Respondent No. 4. It is significant to add here that Respondent No. 4 was duly promoted against the post of Civil Nazir/ Assistant (BPS-11) on 23.12.2005 whereas, at that time appellant was Senior Clerk (BPS-7) and was placed at serial No. 5 in the concerned seniority list (*Annex: Reply/1*). Appellant was also required to challenge the seniority list as well as promotion order of the Respondent No. 4 which he failed to do so,

therefore, the matter become pass and close transaction.

3. That as per Section-22(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade, hence the instant appeal is not maintainable.
4. That the appellant has got no cause of action to institute the instant appeal.
5. That the appeal/stance of the appellant is barred by law, hence liable to be objected.
6. That the appeal has not come to this honorable court with clean hands.
7. That while preparing the seniority list the rules and regulations as enunciated the 'Peshawar High Courts (Staff) Recruitment Rules 2003' has been followed in letter and spirit and there is no sort of illegality on the part of the respondents while preparing such a list.
8. That the Respondents while preparing the seniority list have not committed any illegibility or irregularity. Hence, the appeal in hand is liable to be rejected.

#### FACTUAL OBJECTIONS

1. Needs no reply.
2. Correct that Respondent No.4/Liaquatullah was inducted in the District Judiciary as Naib Qasid. Later on, he was promoted from time to time after observing all the codal formalities and presently he is performing his duty against the post of Civil Nazir (BPS-16).
3. Misconceived hence denied. As already explained in Preliminary Objections that Respondent No.4/Liaquatullah was promoted as Civil Nazir (BPS-11) on 23.12.2005 whereas at that time appellant was Senior Clerk (BPS-7). It is worth mentioning that the post of Senior Clerk (BPS-7) was

upgraded to BPS-9 vide Notification dated 28.07.2007 (*Annex:-Reply/2*).

Later on, it was further upgraded from BPS-9 to BPS-14 vide Notification dated 20.05.2014 (*Annex:-Reply/3*). It is well-settled principle of law that in case of up-gradation, status of a civil servant does not change rather the nomenclature of the post is changed, therefore, appellant is established junior to Respondent No.4 and has rightly been placed below in the final Seniority List.

4&5. Need no reply.

6. Incorrect hence denied. It is submitted that as per Statute of August Peshawar High Court Subordinate Courts Staff Recruitment Rules, 2003 that post of the Civil Nazir shall be included in the Seniority List along with the Accountant and Assistants. It is pertinent to mention here that appellant had raised objection upon the Provisional Seniority List in respect of the Assistants (BPS-16) and Budget & Accounts (BPS-15) which was rightly turned down.

7. Needs no reply.

8&9. It is explained that as per Section-4 of Service Tribunal Act, 1974 there should be a final or appellate order against which aggrieved civil servant shall file Departmental Appeal within 30 days, thereafter, he may avail the remedy of this Hon'ble Tribunal whereas appellant is aggrieved from the Provisional Seniority List which itself not a final order. Moreover, the Departmental Appeal of the appellant is time barred for the reason that his request against the Provisional Seniority List was turned down and issued final Seniority List on 31.12.2017 whereas appellant has not preferred any Departmental Appeal against the same, therefore, the instant appeal is not maintainable but also is time barred; reliance is placed on **2004 SCMR 1426, 2007 SCMR 346 and PLJ 2009 SC 1099**.

10. Incorrect hence vehemently denied. As explained in the above preceding paras that no Departmental Appeal was filed by the appellant against the final Seniority List, therefore, the instant appeal is liable to be dismissed.

**Grounds:**

- I&II. Incorrect hence not admitted. It is submitted that as per law appellant was required to challenge the Final Seniority List by way of filing Departmental Appeal but he failed to do so hence the Service Appeal is not maintainable. Moreover, appeal of the appellant against the Provisional Seniority List had been turned down.
- III-V. Not correct. The detailed reply has already been given in the preceding paras.
- VI. Incorrect. No controversy has been made by the official Respondents rather appellant was treated in accordance with law and rules and no violation of the fundamental rights of the appellant has been made.
- VII. Needs no reply.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Through

**Respondent No.2  
(Registrar, PHC)**

**Khaled/Rahman,**  
Advocate,  
Supreme Court of Pakistan

Dated: 27/03/2019

**Verification**

Verified as per instructions of my client, that the contents of this Reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Counsel  
*Ma*

**SENIORITY LIST OF THE ESTABLISHMENT OF THE DISTRICT AND SESSIONS JUDGE, TANK AS ON 01-03-2007**

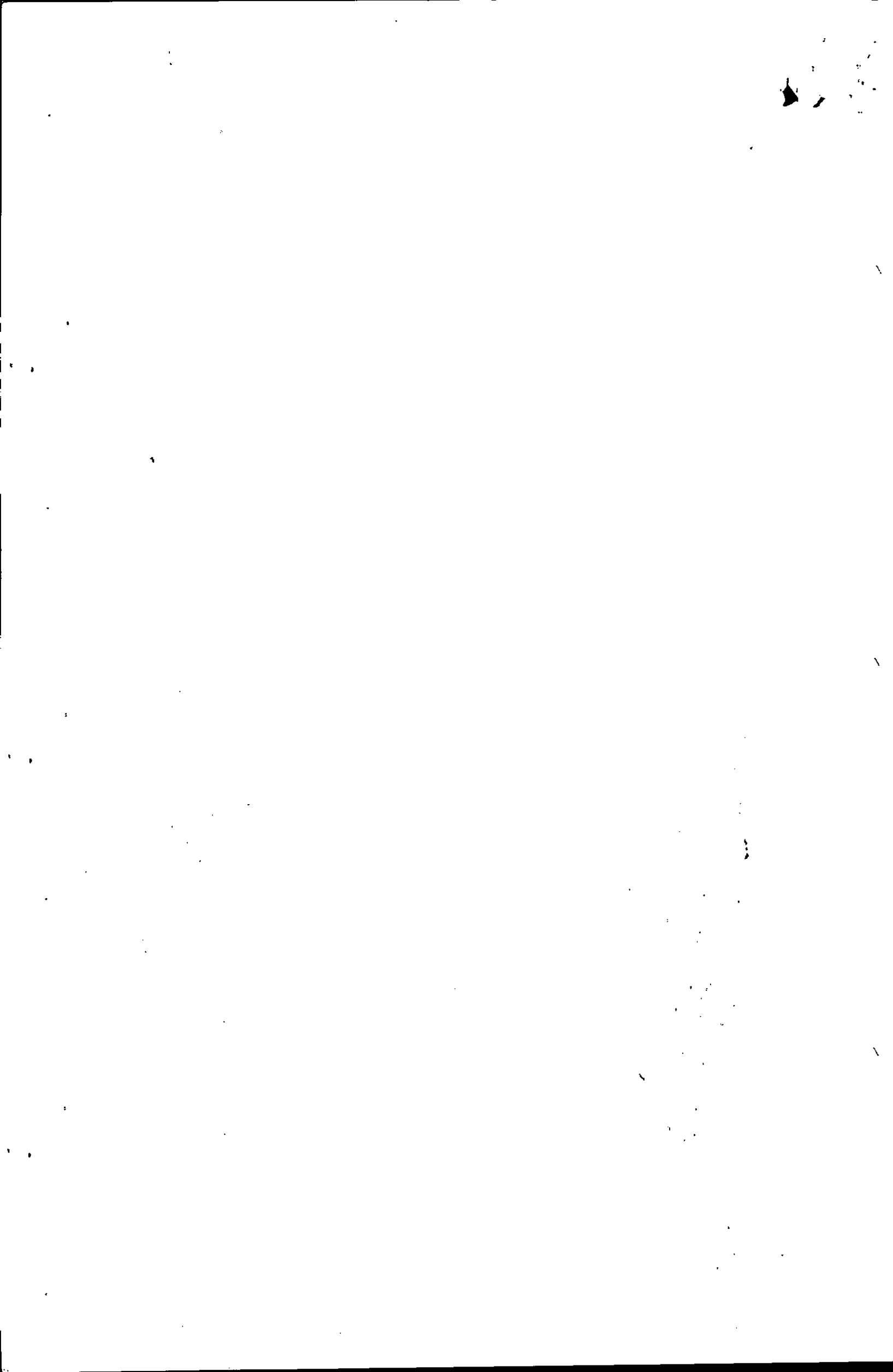
S.N	Name of Officials and Designation	Father's Name	Domicile	Basic pay Scale	Qualification	Date of Birth	Date of entry in Service	Date of entry in present scale/ Grade
1	One post of Stenographer Javed Iqbal	Muhammad Ramzan	DIKhan	15	D.Com	13-07-1969	4-6-1989	09-12-1997
2	One post of Stenotypist Ali Muhammad	Said Rehman	Tank	12	FA	7-7-1977	29-6-2006	29-06-2006
3	Two posts of Assistance 1. Kifayat Ullah 2. Wali Bat Khan	Ajmal Khan Fauj Dar	Tank Tank	12 (Move over) 11	Matric Matric	3-3-1962 3-10-1957	2-4-1980 27-11-1977	01-11-1993 (Move Over wof 01-12-2001) 1-2-2007
4	Two posts of KPO 1. Muhammad Rafiq 2. Muhammad Tahir	Muhammad Hanif Gul Zaman	Tank Tank	10 10	B.Sc (Comp. Sci) MCS	06-02-1980 06-04-1980	10-01-2005 01-03-2007	10-01-2005 01-03-2007
5	Three posts of Senior Clerk 1. Muhammad Nawaz ✓ 2. Naeem Ullah Khan 3. Aziz Ullah	Mehmood Khan Aziz Ullah Khan Zafar Khan	Tank DIKhan Tank	07 07 07	B.A Matric FA	07-04-1955 01-05-1951 02-02-1955	1-11-1993 09-1-1986 01-11-1993	01-04-1994 13-07-98 (Transferred from DIK to Tank) vide order No. 597476 dated 22-07-2000 01-02-2007
6	Nine Posts of Junior Clerk 1. Ghulam Daud 2. Muhammad Yar 3. Essa Khan ✓ 4. Saif Ur Rehman 5. Rais Khan 6. Sami Ullah 7. Gul Zar Khan 8. Mashal Khan 9. Safdar Abbas	Naurange Khan Baba Ji Daulat Khan Abdui Rehman Gul Moh'd Moh'd Jan Amal Dar Raza Khan Moh'd Aslam	Tank Tank Tank DIKhan Lakki Marwat Tank Tank Tank DIK	07 S/G 05 05 05 05 05 05 05 05	FA Matric MA(Pol. Sci) BA Matric D.Com Matric B.Sc FA	04-04-1973 01-01-1970 27-12-1992 20-10-1998 07-3-1976 20-12-1972 25-06-1978 01-09-1982	26-11-1993 22-01-1994 19-10-1993 27-12-1992 20-10-1998 21-10-1998 2-1-1994 13-01-2005 01-03-2007	08-11-93 (Awarded S/G wof 14-02-1995) 01-7-1994 19-09-1994 01-03-1995 20-10-1998 21-10-1998 4-3-1999 31-01-2005 01-03-2007
7	One post of Driver Waris Khan	Nadir Khan	Tank	04	Matric	12-02-1967	12-02-1991	01-04-1994
8	One post of Daftari Humayun Khan ✓	Umar Khan	Tank	02	Matric	14-04-1969	08-12-1993	08-12-1993
9	Two posts of Naib Qasid 1. Muhammad Ayub 2. Muhammad Iqbal ✓	Ghani Ur Rehman Badshah Khan	Tank Tank	01 01	Nil Matric	1962 6-2-1959	29-10-1987 20-07-1994	12-09-1996 20-07-1994
10	One Post of Chowkidar 1. Obaid Ullah Jan	Naeem Khan	Tank	01	Nil	1964	07-4-1994	10-3-1999
11	Two Posts of Sweeper 1. Iqbal Khan 2. Niaz Hussain	Dilawar Khan Sher Khan	Tank Tank	01 01	Nil Nil	5-4-1967 1967	5-4-2000 28-03-2005	5-4-2000 28-03-2005

Officials having any objection are required to submit the same to the Undersigned within one month of the issue of the instant Seniority List. District & Sessions Judge

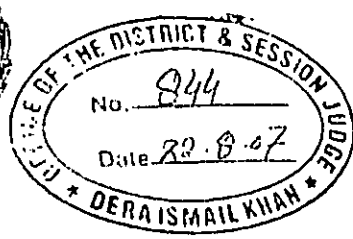
281  
LEANK  
15.3.2007

Reply 13





Reply/2 (6)



GOVERNMENT OF NWFP  
FINANCE DEPARTMENT  
(REGULATION WING)  
Dated Peshawar, the 28<sup>th</sup> July, 2007.

**NOTIFICATION**  
NO. FD/SQB/RY/22/2007. The competent authority has been pleased to accord sanction to the up-gradation of the following posts in the Province with effect from 01-07-2007.

S.No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Assistant		
2	Auditor	BPS-11	BPS-14
3	Senior Clerk	BPS-11	BPS-14
4	Junior Clerk	BPS-7	BPS-9
		BPS-7	BPS-7

The incumbents of the up-graded posts will also stand upgraded and their pay will be fixed at the stage next above their basic pay in their lower pay.

2. The Competent Authority has also been pleased to approve that employee from BPS-1 to 4 would move one scale up in the pay scales w.e.f. 1st July, 2007

3. The Establishment Department will amend the recruitment rules of the ministerial posts, whereas amendments in the recruitment rules of other posts listed at Para-1 above shall be made by the concerned Departments in consultation with the Establishment Department.

4. As a special dispensation, the annual increment falling due on 1<sup>st</sup> December 2007 shall be admissible to the above-mentioned employees in the upgraded pay scales.

SECRETARY TO GOVT. OF NWFP  
FINANCE DEPARTMENT

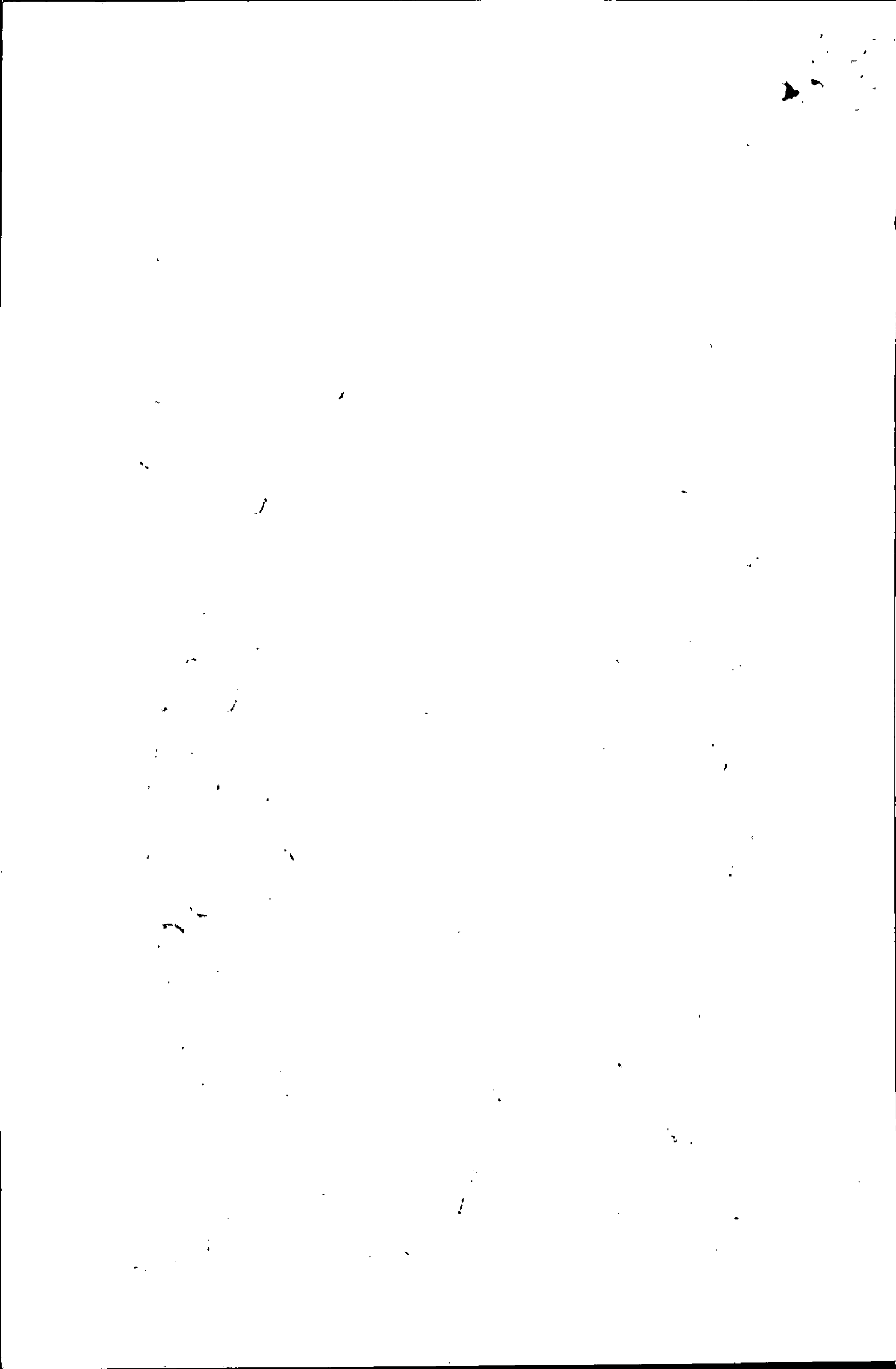
Encl. No. & Date even.

Copy of the above is forwarded for information and necessary action to the:

- 1) All Administrative Secretaries Government of NWFP
- 2) Senior Member, Board of Revenue, NWFP, Peshawar
- 3) Accountant General, NWFP, Peshawar.
- 4) Secretary to Governor, NWFP, Peshawar.
- 5) Principal Secretary to Chief Minister, NWFP.
- 6) Secretary Provincial Assembly, NWFP
- 7) All Heads of Attached Departments in NWFP
- 8) Registrar, Peshawar High Court, Peshawar
- 9) All Zilla Nazims/District Coordination Officers/Political Agents District & Sessions Judges/Executive District Officers in NWFP.
- 10) Registrar, NWFP, Public Service Commission, Peshawar.
- 11) Registrar, Service Tribunal NWFP.
- 12) All the Autonomous and Semi Autonomous Bodies in NWFP.
- 13) Secretary to Government of the Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Hanan, Abbottabad, Swat and D.I.Khan
- 15) The Senior District Accounts Officer Muzshera, Swabi, Charsadda, Haripur, Muzshera and Dir (Lower).
- 16) The Treasury Officer, Peshawar
- 17) All District/Agency Accounts Officers in NWFP/PATA.
- 18) PS to Minister for Finance NWFP.
- 19) PS to Chief Secretary, NWFP
- 20) PS to Additional Chief Secretary, NWFP
- 21) Director Local Fund Audit, NWFP, Pesh. via.
- 22) Director, FMU, Finance Department for placing the same on the Website of Finance Department.
- 23) PS to Finance Secretary
- 24) PS to Finance Secretary/Deputy Secretaries in Finance Department.
- 25) All Section Officers/Budget Officers in Finance Department.

See / NAB,   
 JUDGE OF DISTRICT & SESSIONS JUDGE  
Dera Ismail Khan  
22-8-07

(Najib Khan)  
Secretary to Govt. of NWFP



Reply/3 - 7

20/05 2014 12:15 FAX 0010210282

SGF FD Peshawar

001



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the 20-05-2014

Receipt No.	8019
Date	23/5/14
Initiation	RAA
By	

**NOTIFICATION**

**NO.FD/SO(FR)10-22/2014** The competent authority has been pleased to accord sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments / Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect:

S. No.	Nomenclature of the post:	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11

- i. The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Manshera and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Superintendent, Assistant, Clerks Association with reference to his application No. PRUKPS/SACA/2-1/2013 dated 8-01-2014

(SHAUKAT ULLAH)  
SECTION OFFICER (FR)

Handwritten text in a stylized, cursive script, possibly representing a signature or a name. The text is arranged in two lines, with the top line being shorter and the bottom line being longer and more complex. The characters are highly stylized and interconnected.

**BEFORE THE KPK SERVICE TRIBUNAL CAMP**  
**COURT D.I.KHAN**

**Service Appeal No.1151/2018**

**Muhammad Nawaz**

.....(Appellant)

**V/S**

**District & Sessions Judge Tank and others.....(Respondents)**

**INDEX**

<b>S.No</b>	<b>Description</b>	<b>Annexure</b>	<b>Page No</b>
1	Reply to Appeal		1-4
2	Reply to CMA		5-6
3	Copy of Rules Peshawar High Court (Subordinates Courts) Recruitment Rules, 2003 and Copies of promotion orders.	A	7-17

Dated: 23.04.2019

**Your Humble Respondent  
Through Counsel**

  
**GUL TIAZ KHAN MARWAT**  
Advocate High Court DIKhan



I

**BEFORE THE KPK SERVICE TRIBUNAL CAMP**  
**COURT D.I.KHAN**

**Service Appeal No.1151/2018**

**Muhammad Nawaz**

.....(Appellant)

**V/S**

**District & Sessions Judge Tank and others.....(Respondents)**

**REPLY ON BEHALF OF RESPONDENT NO. 4**

**Respected Sir,**

**Preliminary Objections:**

1. That this learned Tribunal has got no jurisdiction.
2. That the Appellant has no cause of action and locus standi.
3. That the appeal is time barred.
4. That the Appellant is estopped to sue due to his own conduct.
5. That the Appeal is not maintainable in its present Form.
6. That the Appellant has filed the instant suit to blackmail the answering respondent.
7. That the Appellant is not entitled for any relief from this learned tribunal.

**Reply on facts!**

1. That this Para needs no reply.
2. That this Para also needs no reply.
3. That this Para pertains to record. However, the answering respondent has been promoted to the present post on

*Jun*



23.12.2005 while the Appellant was promoted on 29.11.2007 and admittedly the answering respondent has the right to be placed senior than Appellant due to prior promotee being of year 2005.

4. That this Para also pertains to record and is not relevant to the case of answering respondent.
5. That this Para is incorrect and baseless. The seniority list has been prepared in accordance with the rules holding the field called as Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003. Copies of Rules are enclosed as **Annexure-A**.
6. That this Para is correct to extent of filing of representation and rest of the contents of Para are incorrect and misconceived keeping in view the reply in Para-5 above.
7. That this Para pertains to record and the same is not relevant to the answering respondent.
8. That this Para is incorrect and misconceived. Only one appeal is maintainable against the impugned order and there is no right of two appeals against one and the same impugned order.
9. That this Para is incorrect and misconceived and self-stated story of Appellant as explained in Para-8 above.
10. That this Para is incorrect and misconceived. The alleged appeal of the appellant is not in accordance with law as



the same has not been filed within the statutory period as provided under the law and further the Appellant has no cause of action and locus standi to file the Appeal.

**Reply on Grounds!**

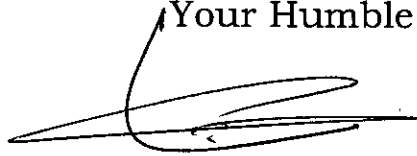
- (1) That this Para is incorrect and misconceived. The Appellant has no cause of action and locus standi to file the Appeal being junior to the answering respondent as the date of promotion of the answering respondent in the present post/grade is 23.12.2005 while that of Appellant is 29.11.2007.
- (2) That this Para is incorrect and misconceived. The seniority list strictly been prepared accordance with the Rules of Peshawar High Court Peshawar as explained in Para-5 of facts.
- (3) That reply to this Para is not necessary as when the answering respondent is senior to Appellant then the date of retirement etc. is of no help in the preset case and no vested rights of Appellant has been violated.
- (4) That this Para is incorrect and misconceived and is self-stated story of Appellant.
- (5) That this Para needs no reply being unnecessary.
- (6) That this Para is incorrect, baseless and misconceived. No fundamental rights of the Appellant have been infringed and the seniority list has been prepared and circulated in accordance with the law and rules.
- (7) That this Para needs no reply.

*Jan 2*

4

It is, therefore, requested that Appeal of the Appellant may please be dismissed with compensatory costs to be paid to the answering defendant as provided under the law.

Your Humble Respondent



**Liaqat Ullah**  
(Respondent No 4)  
Through Counsel

Dated: 23.03.2019



**Gul Tiaz Khan Marwat**  
Advocate High Court  
DIKhan

**VERIFICATION**

Verified at Dera Ismail Khan today this 27th day of March 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court



**DEFENDANT**

DEPONENT

5

**BEFORE THE KPK SERVICE TRIBUNAL CAMP**  
**COURT D.I.KHAN**

Misc. Application No. \_\_\_\_\_/2018

in

Service Appeal No.1151/2018

Muhammad Nawaz

.....(Appellant)

V/S

District & Sessions Judge Tank and others.....(Respondents)

**REPLY ON BEHALF OF RESPONDENT NO. 4 TO THE**  
**APPLICATION FOR SUSPENSION OF OPERATION OF**  
**IMPUGNED SENIORITY LIST**

**Respected Sir,**

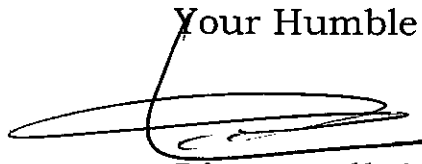
1. That this Para need no reply.
2. That this para is incorrect and misconceived. The seniority list has been prepared and circulated in accordance with law and rules holding the field wherein the name of answering respondent has been placed according to date of promotion i.e. 23.12.2005 in BPS-11 subsequently post upgraded to BPS-14.
3. That this Para is also incorrect and misconceived as explained in Para-2 above and the common seniority list has been prepared and circulated in accordance with the rules framed by the Peshawar High Court Peshawar.

*Qun2*

6

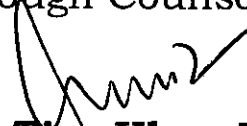
It is, therefore, requested that Application of the Appellant for interim relief may please be dismissed and the order dated 23.01.2019 of this honourable tribunal may please be vacated.

Your Humble Respondent



**Liaqat Ullah**  
Respondent No. 4  
Through Counsel

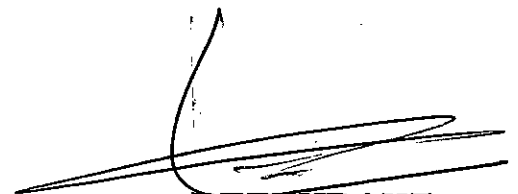
Dated: 23.03.2019



**Gul Tiaz Khan Marwat**  
Advocate High Court  
DIKhan

**VERIFICATION**

Verified at Dera Ismail Khan today this 27th day of March 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable tribunal



**DEPONENT**

DEPONENT

C.No. 2(2-2)

**PESHAWAR HIGH COURT (SUBORDINATE COURTS STAFF) RECRUITMENT RULES, 2003**

**NOTIFICATION**

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the North West Frontier Province Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the N.W.F.P specified in column # 2 of the said Appendix.

**APPENDIX**

Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003.

1 S No	2 Nomenclature of Post	3 Minimum qualification for appointment by initial recruitment	4 Age Limit	5 Method of recruitment
1	Superintendent BPS-16			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-11) with at least five years service as such: Provided that a common seniority list of holders of the posts at serial # 4 to 8 below shall be maintained for the purpose of promotion to the

1 S No	2 Nomenclature of Post	3 Minimum qualification for appointment by initial recruitment	4 Age Limit	5 Method of recruitment
2	Senior Scale Stenographer BPS-15			i. Bachelor's Degree from a recognized University and speed of 100 words per minute in Shorthand and 40 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office. ii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.
3	Stenotypist BPS-12			i. Intermediate or equivalent qualification from a recognized board; and ii. a speed of [50] words per minute in shorthand and 35 words per minute in typing in

post of Superintendent BPS-16.  
i. Twenty five percent by initial recruitment; and

ii. seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Stenotypist (BPS-12) with at least three years service as such.

i. Seventy five percent by initial recruitment; and

ii: twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Key Punch Operator (BPS-10) who possesses the required qualification as mentioned in column # 3.

		English. Preference will be given to the candidates having knowledge of MS Office. iii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.		
4	Assistant/Reader. BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment, and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
5	Assistant/Clerk Of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
6	Assistant/Assistant Clerk of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and  ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to

				12 (all BPS-7) with at least three years service as such.
7	Assistant/Accountant BPS-11	Bachelor's degree from a recognized University. Preference will be given to Bachelor's degree with Commerce, Economics or Mathematics/Statistics as Special subject.	18 - 30 years	By initial recruitment.
8	Assistant/Civil Nazir BPS-11			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Junior Clerk/Naib Nazir (BPS-5), capable of keeping and examining accounts in English and Urdu, with five years service as such.
9	Key Punch Operator BPS-10	i. Intermediate with Statistics/Economics/Mathematics/Physics as one of the subjects; and ii. a minimum speed of ten thousand key operations per hour for punching data entry/verification.	18 - 30 years	By initial recruitment.

No 4

9

10	Senior Clerk/Reader BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Reader.</p>
11	Senior Clerk/Record Keeper BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Record Keeper.</p>

12	Senior Clerk/English Clerk BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/English Clerk.</p>
13	Junior Clerk/Nazir BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board, preference will be given to holders of additional qualifications in Accounts; and	18 - 30 years	<p>ii. a speed of 30 words per minute in typing.</p> <p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and</p>



				Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate. Provided that:
				a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and
				b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
14	Junior Clerk/Copyist BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and  ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and  ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali;

				Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.  <u>Note.</u> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate. Provided that:
				a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and
				b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
15	Junior Clerk/Copy Clerk BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a	18 - 30 years	i. Not less than 70 percent by initial recruitment; and  ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric

No. 4

		recognized Board; and  ii. a speed of 30 words per minute in typing.		<p>and three years service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate. Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in</p>
--	--	--	--	---

CP

Page 18

				preference to the senior official.
16	Junior Clerk/Examiner BPS-5	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 - 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate. Provided that: if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and where a senior official does not possess the requisite experience</p>

No. 4

		recognized Board; and		and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.
		ii. a speed of 30 words per minute in typing.		<p><b>Note:</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in</p>

13

Page 18

				preference to the senior official.
16	Junior Clerk/Examiner BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note:</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and where a senior official does not possess the requisite experience</p>

No 4

				at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
17	Junior Clerk/Muharrir/Reader BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such. <u>Note.</u> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.

13

Page-19

18	Junior Clerk/Typist BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such. <u>Note.</u> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official.
19	Junior Clerk/Naib Nazir BPS-5			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Bailiff, who have passed Secondary School Certificate Examination, with at least three

19 No. 4

				<p>years service as such: Provided that in case no suitable candidate from amongst holders of the post of Bailiff is available, then by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server who have passed Secondary School Certificate Examination with at least five years service as such.</p> <p><b>Note.</b> Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring Secondary School Certificate:</p> <p>Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in-preference to the senior official.</p>
20	Driver BPS-4	Middle standard and in possession of; i. HTV license or; ii. LTV License in case of light duty vehicle with at least five years experience as such.	30 -- 45 years	By initial recruitment.

21	Daftari BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
22	Record Lifter BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two-years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
23	Bailiff BPS-2			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
24	Process Server BPS-1	Matric	18 - 35 years	By initial recruitment.
25	Chowkidar BPS-1	Preferably literate	25 - 40 years	By initial recruitment.
26	Naib Qasid BPS-1	Preferably Literate	18 - 40 years	By initial recruitment.
27	Sweeper BPS-1	Preferably literate	18 - 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-1	Literate	25 - 40 years	By initial recruitment.
29	Mali BPS-1	Preferably literate	18 - 40 years	By initial recruitment.

PESHAWAR HIGH COURT PESHAWAR 15

NOTIFICATION

Dated Peshawar the 23<sup>rd</sup> February, 2017

No. 37 -J

In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 23.02.2017, Mr. Muhammad Amin, Civil Nazir/Assistant is promoted as Superintendent (BPS-17), against the vacant post in the Court of District & Sessions Judge/Zilla Qazi, Dir Upper, with immediate effect.

He shall remain on probation for a period of one year, extendable as provided for under the Rules.

By order of Hon'ble the Chief Justice

(MUHAMMAD SALIM KHAN)  
PAS

REGISTRAR

Dated Pesh the 28/2/2017

Handwritten: 308, 1/3/17, D  
Printed: Enclst: No. 3753-87 /Admin:

Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Dir Upper.
4. The Deputy Registrar (Accounts), Peshawar High Court, Peshawar.
5. The Assistant Registrar (Confidential), Peshawar High Court, Peshawar.
6. The Private Secretary to HCJ, Peshawar High Court, Peshawar.
7. The PS to Registrar, Peshawar High Court, Peshawar.
8. The PA to AR (Admin), Peshawar High Court, Peshawar.
9. The official concerned by name.

Handwritten: *S. Khuraf*  
(MUHAMMAD SALIM KHAN)  
PAS

REGISTRAR

16

**PESHAWAR HIGH COURT, PESHAWAR**

**NOTIFICATION**

Dated Peshawar the 30<sup>th</sup> June, 2018

No. 167 -J In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 30.06.2018, Mr. Zubair Shah, Assistant/Civil Nazir (BPS-16) is promoted as Superintendent (BPS-17) against the vacant post in the Court of District & Sessions Judge/Zilla Qazi, Dir Lower, with immediate effect.

He shall remain on probation for a period of one year, extendable as provided for under the rules.

By order of Hon'ble the Chief Justice

(SHARIF AHMAD)  
**REGISTRAR**

Endst: No. 9340-70 /Admn:

Dated Pesh the 3/7 /2018

Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber-Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Dir Lower.
4. The Director (B&A), Peshawar High Court, Peshawar.
5. The AR (Confidential), Peshawar High Court, Peshawar.
6. The PS to Hon'ble Chief Justice, Peshawar High Court, Peshawar.
7. The officer concerned by name.

(SHARIF AHMAD)  
**REGISTRAR**

06-07-2018

17

PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar the 21<sup>st</sup> July, 2018

No. 191 -J In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 21.07.2018, Mr. Ajmal Khan, Assistant/Civil Nazir (BPS-16) is promoted as Superintendent (BPS-17) against the vacant post in the Court of District & Sessions Judge, Battagram, with immediate effect.

He shall remain on probation for a period of one year, extendable as provided for under the rules.

By order of Hon'ble the Chief Justice

(KHAWAJA WAJIB-UD-DIN)  
REGISTRAR

Endst: No. 11727-57 /Admn:

Dated Pesh the 24 / 7 /2018

Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Battagram.
4. The Director (B&A), Peshawar High Court, Peshawar.
5. The AR (Confidential), Peshawar High Court, Peshawar.
6. The PS to Hon'ble Chief Justice, Peshawar High Court, Peshawar.
7. The official concerned by name.

(KHAWAJA WAJIB-UD-DIN)  
REGISTRAR

17  
2018



**BEFORE THE KPK SERVICE TRIBUNAL CAMP**  
**COURT D.I.KHAN**

Service Appeal No.1151/2018

Muhammad Nawaz

.....(Appellant)

V/S

District & Sessions Judge Tank and others.....(Respondents)

**I N D E X**

S.No	Description	Annexure	Page No
1	Reply to Appeal		1-4
2	Reply to CMA		5-6
3	Copy of Rules Peshawar High Court (Subordinates Courts) Recruitment Rules, 2003 and Copies of promotion orders.	A	7-17

Dated: 23.04.2019

Your Humble Respondent  
Through Counsel

  
GUL TIAZ KHAN MARWAT  
Advocate High Court DI Khan

I

**BEFORE THE KPK SERVICE TRIBUNAL CAMP**  
**COURT D.I.KHAN**

Service Appeal No.1151/2018

Muhammad Nawaz

.....(Appellant)

V/S

District & Sessions Judge Tank and others.....(Respondents)

**REPLY ON BEHALF OF RESPONDENT NO. 4**

**Respected Sir,**

**Preliminary Objections:**

1. That this learned Tribunal has got no jurisdiction.
2. That the Appellant has no cause of action and locus standi.
3. That the appeal is time barred.
4. That the Appellant is estopped to sue due to his own conduct.
5. That the Appeal is not maintainable in its present Form.
6. That the Appellant has filed the instant suit to blackmail the answering respondent.
7. That the Appellant is not entitled for any relief from this learned tribunal.

**Reply on facts!**

1. That this Para needs no reply.
2. That this Para also needs no reply.
3. That this Para pertains to record. However, the answering respondent has been promoted to the present post on

*Just*

23.12.2005 while the Appellant was promoted on 29.11.2007 and admittedly the answering respondent has the right to be placed senior than Appellant due to prior promotee being of year 2005.

- 4. That this Para also pertains to record and is not relevant to the case of answering respondent.
- 5. That this Para is incorrect and baseless. The seniority list has been prepared in accordance with the rules holding the field called as Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003. Copies of Rules are enclosed as **Annexure-A**.
- 6. That this Para is correct to extent of filing of representation and rest of the contents of Para are incorrect and misconceived keeping in view the reply in Para-5 above.
- 7. That this Para pertains to record and the same is not relevant to the answering respondent.
- 8. That this Para is incorrect and misconceived. Only one appeal is maintainable against the impugned order and there is no right of two appeals against one and the same impugned order.
- 9. That this Para is incorrect and misconceived and self-stated story of Appellant as explained in Para-8 above.
- 10. That this Para is incorrect and misconceived. The alleged appeal of the appellant is not in accordance with law as

*Handwritten signature*

the same has not been filed within the statutory period as provided under the law and further the Appellant has no cause of action and locus standi to file the Appeal.

**Reply on Grounds!**

- (1) That this Para is incorrect and misconceived. The Appellant has no cause of action and locus standi to file the Appeal being junior to the answering respondent as the date of promotion of the answering respondent in the present post/grade is 23.12.2005 while that of Appellant is 29.11.2007.
- (2) That this Para is incorrect and misconceived. The seniority list strictly been prepared accordance with the Rules of Peshawar High Court Peshawar as explained in Para-5 of facts.
- (3) That reply to this Para is not necessary as when the answering respondent is senior to Appellant then the date of retirement etc. is of no help in the preset case and no vested rights of Appellant has been violated.
- (4) That this Para is incorrect and misconceived and is self-stated story of Appellant.
- (5) That this Para needs no reply being unnecessary.
- (6) That this Para is incorrect, baseless and misconceived. No fundamental rights of the Appellant have been infringed and the seniority list has been prepared and circulated in accordance with the law and rules.
- (7) That this Para needs no reply.

*Jan*

4

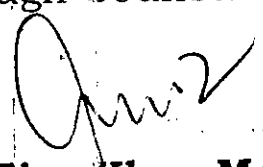
It is, therefore, requested that Appeal of the Appellant may please be dismissed with compensatory costs to be paid to the answering defendant as provided under the law.

Your Humble Respondent



**Liaqat Ullah**  
(Respondent No 4)  
Through Counsel


Dated: 23.04.2019



**Gul Tiaz Khan Marwat**  
Advocate High Court  
DIKhan

**VERIFICATION**

Verified at Dera Ismail Khan today this 27th day of March 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court



**DEFENDANT**  
DEPONEE

5  
**BEFORE THE KPK SERVICE TRIBUNAL CAMP**  
**COURT D.I.KHAN**

Misc. Application No. \_\_\_\_\_/2018

in

Service Appeal No.1151/2018

Muhammad Nawaz

.....(Appellant)

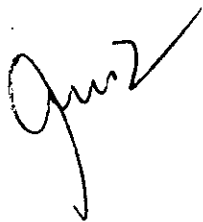
V/S

District & Sessions Judge Tank and others.....(Respondents)

**REPLY ON BEHALF OF RESPONDENT NO. 4 TO THE**  
**APPLICATION FOR SUSPENSION OF OPERATION OF**  
**IMPUGNED SENIORITY LIST**

**Respected Sir,**

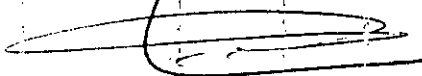
1. That this Para need no reply.
2. That this para is incorrect and misconceived. The seniority list has been prepared and circulated in accordance with law and rules holding the field wherein the name of answering respondent has been placed according to date of promotion i.e. 23.12.2005 in BPS-11 subsequently post upgraded to BPS-14.
3. That this Para is also incorrect and misconceived as explained in Para-2 above and the common seniority list has been prepared and circulated in accordance with the rules framed by the Peshawar High Court Peshawar.



6

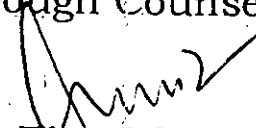
It is, therefore, requested that Application of the Appellant for interim relief may please be dismissed and the order dated 23.01.2019 of this honourable tribunal may please be vacated.

Your Humble Respondent



**Liaqat Ullah**  
Respondent No. 4  
Through Counsel

Dated: 23.04.2019



**Gul Tiaz Khan Marwat**  
Advocate High Court  
DKhan

**VERIFICATION**

Verified at Dera Ismail Khan today this 27th day of March 2019 that contents of Reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable tribunal



**DEPONENT**  
DEPONENT

C.No. 2(2-2)

**PESHAWAR HIGH COURT (SUBORDINATE COURTS STAFF) RECRUITMENT RULES, 2003**

**NOTIFICATION**

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the North West Frontier Province Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the N.W.F.P specified in column # 2 of the said Appendix.

**APPENDIX**

Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003.

1 S No	2 Nomenclature of Post	3 Minimum qualification for appointment by initial recruitment	4 Age Limit	5 Method of recruitment
1	Superintendent BPS-16			By promotion, on the basis of seniority cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-11) with at least five years service as such: Provided that a common seniority list of holders of the posts at serial # 4 to 8 below shall be maintained for the purpose of promotion to the

2	Senior Scale Stenographer BPS-15	i. Bachelor's Degree from a recognized University and speed of 100 words per minute in Shorthand and 40 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office. ii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.	18 - 30 years	post of Superintendent BPS-16. i. Twenty five percent by initial recruitment; and ii. seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Stenotypist (BPS-12) with at least three years service as such.
3	Steno typist BPS-12	i. Intermediate or equivalent qualification from a recognized board; and ii. a speed of [50] words per minute in shorthand and 35 words per minute in typing in	18 - 30 years	i. Seventy five percent by initial recruitment; and ii: twenty five percent by promotion; on the basis of seniority-cum-fitness, from amongst holders of the post of Key Punch Operator (BPS-10) who possesses the required qualification as mentioned in column # 3.



		English. Preference will be given to the candidates having knowledge of MS Office. iii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.		
(4)	Assistant/Reader BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
(5)	Assistant/Clerk Of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
(6)	Assistant/Assistant Clerk of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and  ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to

				12 (all BPS-7) with at least three years service as such.
(7)	Assistant/Accountant BPS-11	Bachelor's degree from a recognized University. Preference will be given to Bachelor's degree with Commerce, Economics or Mathematics/Statistics as Special subject.	18 - 30 years	By initial recruitment.
(8)	Assistant/Civil Nazir BPS-11			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Junior Clerk/Naib Nazir (BPS-5), capable of keeping and examining accounts in English and Urdu, with five years service as such.
9	Key Punch Operator BPS-10	i. Intermediate with Statistics/Economics/Mathematics/Physics as one of the subjects; and ii. a minimum speed of ten thousand key operations per hour for punching data entry/verification.	18 - 30 years	By initial recruitment.

9

10	Senior Clerk/Reader BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Reader.</p>
11	Senior Clerk/Record Keeper BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Record Keeper.</p>

12	Senior Clerk/English Clerk BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/English Clerk.</p>
13	Junior Clerk/Nazir BPS-5	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board, preference will be given to holders of additional qualifications in Accounts; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 - 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and</p>

				Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate. Provided that:
				a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and
				b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
14	Junior Clerk/Copyist BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and  ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and  ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali,

				Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.
				<u>Note.</u> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate. Provided that:
				a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and
				b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
15	Junior Clerk/Copy Clerk BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a	18 - 30 years	i. Not less than 70 percent by initial recruitment; and  ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric

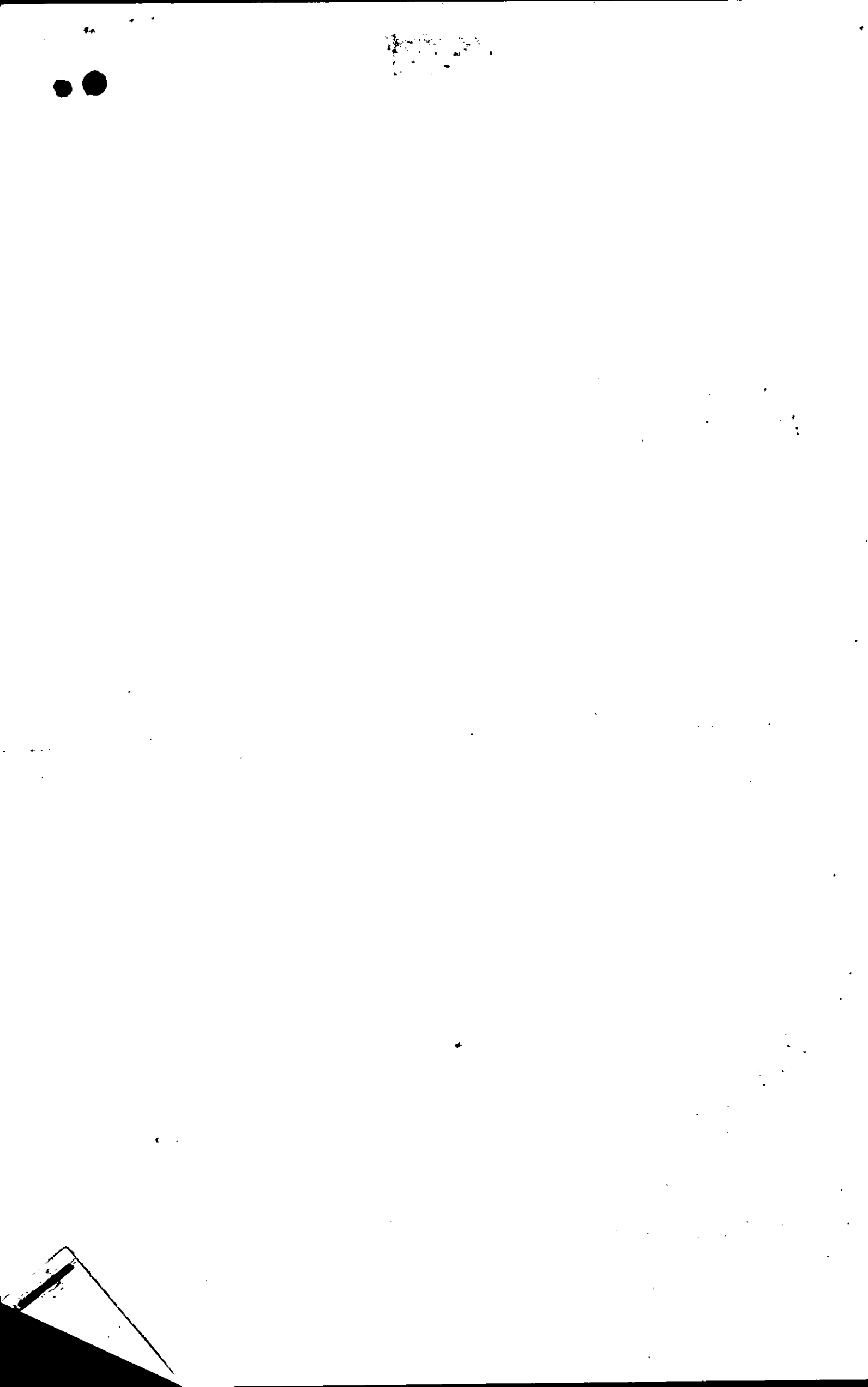
		recognized Board; and  ii. a speed of 30 words per minute in typing.		and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.  <b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him, possessing the requisite experience shall be promoted in
--	--	--	--	---

				preference to the senior official.
16	Junior Clerk/Examiner BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and  ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.  <b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and where a senior official does not possess the requisite experience

12

				at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
17	Junior Clerk/Muharrir/Reader BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such <u>Note.</u> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.

18	Junior Clerk/Typist BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such <u>Note.</u> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier, shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official.
19	Junior Clerk/Naib Nazir BPS-5			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Bailiff, who have passed Secondary School Certificate Examination, with at least three



				<p>years service as such: Provided that in case no suitable candidate from amongst holders of the post of Bailiff is available, then by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server who have passed Secondary School Certificate Examination with at least five years service as such.</p> <p><b>Note.</b> Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring Secondary School Certificate:</p> <p>Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official.</p>
20	Driver BPS-4	Middle standard and in possession of; i. HTV license or; ii. LTV License in case of light duty vehicle with at least five years experience as such.	30 -- 45 years	By initial recruitment.

21	Daftari BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
22	Record Lifter BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
23	Bailiff BPS-2			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
24	Process Server BPS-1	Matric	18 - 35 years	By initial recruitment.
25	Chowkidar BPS-1	Preferably literate	25 - 40 years	By initial recruitment.
26	Naib Qasid BPS-1	Preferably Literate	18 - 40 years	By initial recruitment.
27	Sweeper BPS-1	Preferably literate	18 - 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-1	Literate	25 - 40 years	By initial recruitment.
29	Mali BPS-1	Preferably literate	18 - 40 years	By initial recruitment.

II-District Judiciary

14

No. 4

2-Establishment of the District Court  
Terms and Conditions of Service

30	Water Carrier	Preferably illiterate	18 - 40 years	By initial recruitment.
----	---------------	--------------------------	------------------	-------------------------



15

PESHAWAR HIGH COURT PESHAWAR

NOTIFICATION

Dated Peshawar the 23<sup>rd</sup> February, 2017

No. 37 -J

In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 23.02.2017, Mr. Muhammad Amin, Civil Nazir/Assistant is promoted as Superintendent (BPS-17), against the vacant post in the Court of District & Sessions Judge/Zilla Qazi, Dir Upper, with immediate effect.

He shall remain on probation for a period of one year, extendable as provided for under the Rules.

By order of Hon'ble the Chief Justice

(MUHAMMAD SALIM KHAN)  
PAS

REGISTRAR

Dated Pesh the 28 / 2 / 2017

Enclst: No. 3753-87 / Admn.

Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Dir Upper.
4. The Deputy Registrar (Accounts), Peshawar High Court, Peshawar.
5. The Assistant Registrar (Confidential), Peshawar High Court, Peshawar.
6. The Private Secretary to HCJ, Peshawar High Court, Peshawar.
7. The PS to Registrar, Peshawar High Court, Peshawar.
8. The PA to AR (Admn), Peshawar High Court, Peshawar.
9. The official concerned by name.

(MUHAMMAD SALIM KHAN)  
PAS

REGISTRAR

PESHAWAR HIGH COURT, PESHAWAR

16

NOTIFICATION

Dated Peshawar the 30<sup>th</sup> June, 2018

No. 167 -J

In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 30.06.2018, Mr. Zubair Shah, Assistant/Civil Nazir (BPS-16) is promoted as Superintendent (BPS-17) against the vacant post in the Court of District & Sessions Judge/Zilla Qazi, Dir Lower, with immediate effect.

He shall remain on probation for a period of one year, extendable as provided for under the rules.

By order of Hon'ble the Chief Justice

(SHARIF AHMAD)  
REGISTRAR

Enclst: No. 9340-70 /Admn:

Dated Pesh the 3/7 /2018

Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Dir Lower.
4. The Director (B&A), Peshawar High Court, Peshawar.
5. The AR (Confidential), Peshawar High Court, Peshawar.
6. The PS to Hon'ble Chief Justice, Peshawar High Court, Peshawar.
7. The officer concerned by name.

*[Handwritten signature]*

06 - 07 - 2018

*[Handwritten signature]*  
(SHARIF AHMAD)  
REGISTRAR

PESHAWAR HIGH COURT, PESHAWAR

17

NOTIFICATION

Dated Peshawar the 21<sup>st</sup> July, 2018

No. 191 -J

In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 21.07.2018, Mr. Ajmal Khan, Assistant/Civil Nazir (BPS-16) is promoted as Superintendent (BPS-17) against the vacant post in the Court of District & Sessions Judge, Battagram, with immediate effect.

He shall remain on probation for a period of one year, extendable as provided for under the rules.

By order of Hon'ble the Chief Justice

(KHAWAJA WAJIB-UD-DIN)  
REGISTRAR

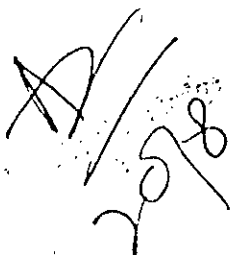
Endst: No. 11727-57 /Admn:

Dated Pesh the 24/7/2018

Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Battagram.
4. The Director (B&A), Peshawar High Court, Peshawar.
5. The AR (Confidential), Peshawar High Court, Peshawar.
6. The PS to Hon'ble Chief Justice, Peshawar High Court, Peshawar.
7. The official concerned by name.

  
(KHAWAJA WAJIB-UD-DIN)  
REGISTRAR

  
20/8

**OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
TANK**

No. 270 /DSJ

Dated Tank the 26 /03/2019

Office phone #: 0963-510024  
Fax #: 0963-510515  
E mail: dsjtank@gmail.com

Appeal No.1151 of 2018

Muhammad Nawaz Vs The District & Sessions Judge, Tank

**AUTHORITY**

Mr. Sami Ullah, Senior Clerk (BPS-14) of this Court is hereby authorized to represent the undersigned in the above service appeal pending adjudication in the Hon'ble Khyber Pakhtunkhwa Service Tribunal fixed for hearing at D.I.Khan on 27<sup>th</sup> March 2019. He shall also appear in the Hon'ble court on all the subsequent dates as well.

This office previous order vide No.172/DSJ dated 23.02.2019 is hereby recalled.

  
District & Sessions Judge, Tank

**BEFORE THE HONORABLE SERVICE**  
**TRIBUNAL KP, PESHAWAR**

Muhammad Nawaz  
(Appellant)

Versus

District and Sessions Judge etc  
(Respondents)

**WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT NO.01**

**LEGAL OBJECTIONS**

- 1) That the appellant has got no cause of action to institute the instant appeal.
- 2) That the appeal/stance of the appellant is barred by law, hence liable to be rejected.
- 3) That the appellant has not come to this honorable court with clean hands.
- 4) That the seniority list was finalized after affording an opportunity to all (including the appellant) to submit their respective objections but the same was not done by the appellant thus the rule of 'waiver' and 'estoppel' applies against the present appellant.
- 5) That while preparing the seniority list, the rules and regulations as enunciated in the 'Peshawar high court subordinate courts (Staff) Recruitment Rules 2003' has been followed in letter and spirit and there is no *malafide* or illegality on the part of the respondents while preparing such a list.
- 6) That the respondent while preparing the seniority list has not committed any illegality or irregularity. Hence, the appeal in hand is liable to be rejected.
- 7) That no cause of action accrues to the appellant in the given circumstances of the case, hence, the stance of the appellant is liable to be rejected in toto.

- 8) That the stance of the appellant is not only barred by law as (stated above) but also barred by time, as valuable rights are accrued to the respondents thus the same cannot be taken away lightly.
- 9) That the appeal of the appellant is based on *malafide*, the same has caused mental and nervous shocks to the respondents thus the same is liable to be rejected/dismissed being a frivolous one.

**FACTUAL OBJECTIONS;**

- 1) That para 1 relates to the record and hence the same need not to be answered.
- 2) That Para 2 also pertains into the record, hence, need not to be replied.
- 3) Para No.03 is incorrect. The seniority list was prepared on the basis of the following factors as tabulated below.

Sr #	Muhammad Nawaz, Assistant/COC	Liaqat Ullah, Assistant/Civil Nazir
01		Naib Qasid (BPS-01) from 01.03.1994 to 31.10.1994
02		Process Server (BPS-01) from 01.11.1994 to 10.01.1997
03	Junior Clerk (BPS-5) from 01.11.1993 to 29.06.1994	Civil Naib Nazir (BPS-05) from 11.01.1997 to 22.12.2005
04	Senior Clerk (BPS-7) from 30.06.1994 to 28.11.2007	
05	Assistant (BPS-14) from 29.11.2007 against upgraded scale i.e BPS-14 on 01.07.2007 scale upgraded to BPS-16 on 20.05.2014	Civil Nazir /Assistant (BPS-11) from 23.12.2005 to i) Scale upgraded to (BPS-14) on 01.07.2007 ii) Scale upgraded to (BPS-16) 20.05.2014

**Note:**

- 1/ The incumbent official Mr. Liaqat Ullah was promoted as Assistant/Civil Nazir BPS-11 on 23.12.2005 while Muhammad Nawaz now Assistant was still a Senior Clerk BPS-7 at that time.
- 2/ 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.

- 3/ Incumbent official Muhammad Nawaz was promoted as Assistant against upgraded scale of BPS-14 on 29.11.2007.
- 4/ The date of promotion of Mr. Liaqat Ullah 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 Mr. Liaqat Ullah, Civil Nazir has the right to be ranked senior to that of Muhammad Nawaz on the basis of prior promotion to the said post.
- 4) Para 04 is replied as such that the seniority list of the officials was issued at the close of the calendar year. Likewise, the respective officials including the appellant were asked to submit their objects in connection with such a seniority list and that too within a span of thirty days. The present appellant did file his representation and the same was rejected against which the appellant has not sought any legal remedy. Thus, legally the rule of '*waiver*' and '*estoppel*' applies against the present appellant this cannot agitate the matter before the worthy tribunal. The contention of the appellant is hereby repelled being without force and substance.
- 5) That para No.05 is incorrect and not admitted as explained in reply to the para 04 above.
- 6) Para 06 is replied as such that the seniority list was depicted as per the statute (i.e Peshawar High Court (subordinate court staff) Recruitment Rules, 2003. The same is self-explanatory which speaks of the fact that the name of the civil nazir shall be included in the seniority list along with the seniority list (names) of the Accountants and the Assistants. Pertinent to mention here is that the objections raised by the appellant in his representation in connection with the provisional seniority list which was

accordingly issued on 14/02/2018 were turned down vide order dated 27/04/2018. Copy of the statement is enclosed as Annex-A.

- 7) Para 07 is replied as such that the doctrine of '*audi alterem partem*' was fully adhered to in the given circumstances of the case and that the appellant was afforded full opportunity of being heard and thereafter the contention of the appellant was repelled.
- 8) Para 08 is replied as such that the said para of the appellant it speaks of the fact that the appellant has also moved before the august Peshawar high court, Peshawar for the redressal of his grievances and thus he has agitated the matter before the two forums which is legally not warranted by the law.
- 9) Para 09 is replied as such that the final seniority list was issued after the dismissal of the representation of the appellant made against the provisional seniority list.
- 10) Para 10 is replied as such that no cause of action accrues to the appellant. The stance of the appellant as stated above is not only barred by law but also barred by the law of limitation. Thus, liable to be rejected.

**GROUND:**

- 1) Para 1 of the grounds is replied as such that the appeal is barred by time and also against the law and facts of the case because the seniority list as depicted and prepared by the respondents was in accordance with law and as per the rules mentioned above. The rejection of the departmental appeal was also well in accordance with law and the respondents had not committed any illegality while renderings the said findings. The appellant was afforded




full opportunity of being heard. The verdict of the respondents was made after skimming of the record pertained to the seniority list and the law *ibid* was followed in its letter and spirit. Hence the allegations leveled in the ground of the appeal are hereby denied.

- 2) Para 02 of the grounds is hereby denied as the same being in- correct. The appeal is time barred. The law *ibid* was followed in letter and spirit. The official respondents were having no ill will and malafide to blatantly violate the *ibid* rules.
- 3) Para 3 of the grounds is denied. The rules were followed in letter and spirit. The seniority list was followed and reckoned from the date whereupon the official concerned has taken over as an Assistant.
- 4) Para no 4 of the grounds are illegal and has no legal footing. Hence, denied.
- 5) Para 05 of the grounds is replied as such that the official respondents have followed the law (rules *ibid*) in letter and spirit and that the constitutional duty under article 05 and 25 as imposed upon the official respondents by the Constitution of Islamic Republic Of Pakistan, 1973 was not ignored. Hence, the para is denied.
- 6) Para 06 is replied as such that the seniority list was prepared as per the law and rules and hence, no fundamental right as enshrined in the Constitution has ever been violated by the official respondents. The sole aim of the appellant is to waste the time of the Honorable Court as well as of the official respondents and hence, the same need to be discouraged.


It is therefore, prayed;

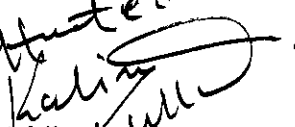
- a. That the appeal of the appellant being devoid of merits may kindly be dismissed.
- b. That interim restrictive-injunction granted in favor of the appellant vide order dated 23.01.2019 (not made part of the communication) be vacated as the appellant has got no prima facie case, while balance of convenience does not tilt in favor of the appellant and that by vacating the interim restrictive injunction appellant will not face any irreparable loss.

  
District & Sessions Judge, Tank  
Respondent No.01

**AFFIDAVIT**

I, Irshad Ahmad Khan, District & Sessions Judge, Tank Respondent No.01 hereby solemnly affirm and declare on Oath that all the contents of the written statement are true and correct as gathered from the relevant record and that nothing has been concealed from this Hon'ble Tribunal.

  
Irshad Ahmad Khan  
District & Sessions Judge, Tank  
Respondent No.01

R. O. S. Al  
Attested  
Kaleem  
  
Kaleem Ullah Khan  
Advocate Oath Commissioner  
District Bar Tank

C.No. 2(2-2)

**PESHAWAR HIGH COURT (SUBORDINATE COURTS  
STAFF) RECRUITMENT RULES, 2003****NOTIFICATION**

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the North West Frontier Province Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the N.W.F.P specified in column # 2 of the said Appendix.

**APPENDIX**

Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003.

1	2	3	4	5
S No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
1	Superintendent BPS-16			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-11) with at least five years service as such: Provided that a common seniority list of holders of the posts at serial # 4 to 8 below shall be maintained for the purpose of promotion to the

Amex-A, to A<sub>8</sub>

1	2	3	4	5
S No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
2	Senior Scale Stenographer BPS-15			post of Superintendent BPS-16. i. Twenty five percent by initial recruitment; and  ii. seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Stenotypist (BPS-12) with at least three years service as such.
3	Steno typist BPS-12			i. Seventy five percent by initial recruitment; and  ii: twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Key Punch Operator (BPS-10) who possesses the required qualification as mentioned in column # 3.

		English. Preference will be given to the candidates having knowledge of MS Office. iii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.		
4	Assistant/Reader. BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
5	Assistant/Clerk Of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
6	Assistant/Assistant Clerk of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and  ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to

				12 (all BPS-7) with at least three years service as such.
7	Assistant/Accountant BPS-11	Bachelor's degree from a recognized University. Preference will be given to Bachelor's degree with Commerce, Economics or Mathematics/Statistics as Special subject.	18 - 30 years	By initial recruitment.
8	Assistant/Civil Nazir BPS-11			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Junior Clerk/Naib Nazir (BPS-5), capable of keeping and examining accounts in English and Urdu, with five years service as such.
9	Key Punch Operator BPS-10	i. Intermediate with Statistics/Economics/Mathematics/Physics as one of the subjects; and ii. a minimum speed of ten thousand key operations per hour for punching data entry/verification.	18 - 30 years	By initial recruitment.

II-District Judiciary

2-Establishment of the District Courts...  
Terms and Conditions of Service

10	Senior Clerk/Reader BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Reader.</p>
11	Senior Clerk/Record Keeper BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Record Keeper.</p>

II-District Judiciary

2-Establishment of the District Courts...  
Terms and Conditions of Service

12	Senior Clerk/English Clerk BPS-7			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such:</p> <p>Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/English Clerk.</p>
13	Junior Clerk/Nazir BPS-5	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board, preference will be given to holders of additional qualifications in Accounts; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 - 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and</p>

				Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
14	Junior Clerk/Copyist BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and  ii. a speed of 30 words per minute in typing.	18 - 30 years	i. Not less than 70 percent by initial recruitment; and  ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali,

				Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.  <u>Note.</u> —For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
15	Junior Clerk/Copy Clerk BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a	18 - 30 years	i. Not less than 70 percent by initial recruitment; and  ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric

		recognized Board; and		and three years service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.
		ii. a speed of 30 words per minute in typing.		<p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in</p>

				preference to the senior official.
16	Junior Clerk/Examiner BPS-5	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 - 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and where a senior official does not possess the requisite experience</p>

				at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.
17	Junior Clerk/Muharrir/Reader BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>

18	Junior Clerk/Typist BPS-5	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 - 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p><b>Note.</b> For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official.</p>
19	Junior Clerk/Naib Nazir BPS-5			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Bailiff, who have passed Secondary School Certificate Examination, with at least three



II-District Judiciary

2-Establishment of the District Courts...  
Terms and Conditions of Service

				<p>years service as such: Provided that in case no suitable candidate from amongst holders of the post of Bailiff is available, then by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server who have passed Secondary School Certificate Examination with at least five years service as such.</p> <p><u>Note.</u> Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring Secondary School Certificate:</p> <p>Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official.</p>
20	Driver BPS-4	Middle standard and in possession of; i. HTV license or; ii. LTV License in case of light duty vehicle with at least five years experience as such.	30 -- 45 years	By initial recruitment.

II-District Judiciary

2-Establishment of the District Courts...  
Terms and Conditions of Service

21	Daftari BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
22	Record Lifter BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
23	Bailiff BPS-2			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
24	Process Server BPS-1	Matric ✓	18 - 35 years	By initial recruitment.
25	Chowkidar BPS-1	Preferably literate ✓	25 - 40 years	By initial recruitment.
26	Naib Qasid BPS-1	Preferably Literate	18 - 40 years	By initial recruitment.
27	Sweeper BPS-1	Preferably literate	18 - 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-1	Literate	25 - 40 years	By initial recruitment.
29	Mali BPS-1	Preferably literate	18 - 40 years	By initial recruitment.

Amex-B<sub>1</sub> to B<sub>3</sub>

OFFICE OF THE DISTRICT & SESSIONS JUDGE, TANK

ORDER

No. 212 /DSJ

Dated Tank the 14/02/2018

The following Provisional Seniority List is issued for information of all concerned. The position of various officers/officials is mentioned <sup>in</sup> the list as it stood on 31.12.2017.

Objections (if any) shall be filed within 30 days of the issuance of this Seniority List. In case no objection is received, the same will be finalized accordingly.

*Aurangzeb*  
/ 14/2/18  
(AURANGZEB)

District & Sessions Judge, Tank

*A*

**PROVISIONAL 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	
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	
3	Shahid Hussain s/o Ghulam Hussain	01.07.1981	Tank	MBA(B&F)	21.12.2010	21.12.2010	D	30.06.2041	Provisionally included subject to equalization of the basic pay scales.

P = Promotion  
D = Direct

*(Signature)*  
**(Aurangzeb)**  
District & Sessions Judge, Tank

19	Mr. Sami Ullah Junior Clerk				<i>(Signature)</i>				
----	-----------------------------	--	--	--	--------------------	--	--	--	--

COMMON PROVISIONAL SENIORITY LIST OF THE DISTRICT JUDICIARY, TANK  
AT IT STOOD ON 31.12.2017

Sr. #	Name & Designation of official	Signature
1	Mr. Mashal Khan, Senior Scale Stenographer	
2	Mr. Ali Muhammad, Senior Scale Stenographer	
3	Muhammad Tahir, Computer Operator	<i>Tahir</i>
4	Mr. Ibrahim Khalil, Computer Operator	
5	Mr. Umar Daud, Computer Operator	
6	Mr. Ehsan Ullah, Computer Operator	
7	Mr. Abdullah Khan, Computer Operator	<i>Abdullah</i>
8	Muhammad Naeem, Computer Operator	
9	Mr. Zahid Khan, Computer Operator	
10	Liaqat Ullah, Civil Nazir/Assistant	<i>Liaqat</i>
11	Muhammad Nawaz, Assistant	<i>Nawaz</i>
12	Shahid Hussain, B&AA	<i>Shahid</i>
13	Mr. Syed Izhar Ahmad Shah, Stenotypist	<i>Izhar</i>
14	Mr. Aziz Ullah, Senior Clerk	
15	Mr. Ghulam Daud, Senior Clerk	
16	Mr. Essa Khan, Senior Clerk	<i>Essa</i>
17	Muhammad Yar, Senior Clerk	<i>Yar</i>
18	Mr. Saif ur Rehman, Junior Clerk	<i>Saif</i>
19	Mr. Sami Ullah, Junior Clerk	<i>Sami</i>
20	Mr. Gulzar Khan, Junior Clerk	<i>Gulzar</i>
21	Mr. Hamayun Khan, Junior clerk	<i>Hamayun</i>
22	Mr. Sana Ullah, Junior Clerk	
23	Mr. Anwar Khan, Junior Clerk	<i>Anwar</i>
24	Mr. Gul Nawaz, Junior Clerk	<i>Gul Nawaz</i>
25	Mr. Salim Khan, Junior Clerk	<i>Salim</i>
26	Muhammad Yahya, Junior Clerk	<i>Yahya</i>
27	Mr. Khalid Mehmood, Junior Clerk	<i>Khalid</i>
28	Mr. Farhad Nasir, Junior Clerk	<i>Farhad</i>
29	Muhammad Iqbal, Junior Clerk	<i>Iqbal</i>

*M. Iqbal*

## بخدمت جناب ڈسٹرکٹ اینڈ سیشن جج صاحب ٹانک

جناب عالی :

گزارش ہے کہ میں مورخہ 01-11-1993 کو بطور جونیئر کلرک بھرتی ہوا ہوں اور مورخہ 30-06-1994 کو ترقی کر کے سینئر کلرک کی پوسٹ ریکارڈ کیپر تعینات ہوا ہوں اور اس طرح مسلسل اپنی ڈیوٹی بخوبی سرانجام دیتا رہا ہوں اور کبھی کسی افسر کو کسی قسم کی شکایت کا موقع نہیں دیا اور اس طرح مورخہ 29-11-2007 کو ترقی پا کر اسٹنٹ BPS-14 تعینات ہوا اور بطور کلرک آف کورٹ ڈیوٹی سرانجام دیتا رہا ہوں اور سینئر ٹی لسٹ میں مورخہ 31-12-2016 تک میں سینئر ٹی لسٹ میں دوسرے نمبر پر تھا البتہ ولی بت خان سینئر ٹی لسٹ میں نمبر 1 پر تھا جو کہ اب ریٹائرڈ ہو چکا ہے اس لحاظ سے سینئر ٹی لسٹ میں نمبر 1 پر میرا حق بنتا ہے لہذا آپ صاحب کے دفتر سے سینئر ٹی لسٹ جاری کیا گیا ہے جس میں Process-Server ایجنسی کا سول ناظر بطور سینئر اہلکار شامل کیا گیا ہے جو کہ غیر قانونی اور ملی بھگت کا نتیجہ ہے اس طرح لیاقت اللہ سول ناظر مورخہ 01-03-1994 کو بطور نائب قاصد بھرتی ہوا اس طرح مورخہ 01-11-1994 کو پیادہ تعینات ہوا اور اپنی ڈیوٹی بطور پیادہ سرانجام دیتا رہا اس طرح مورخہ 11-01-1997 کو ترقی پا کر بطور BPS-5 سول نائب ناظر تعینات ہوا اب اس طرح مورخہ 23-12-2005 کو ترقی پا کر سول ناظر تعینات ہوا جو کہ ایک الگ کنٹری / کیڈر ہے اور سینئر سول جج صاحب کے اختیارات میں ہوتا ہے جو کہ جنرل سٹاف کلرک سیشن جج صاحب کے اختیار میں ہوتا ہے جس نے دوران سروس ایک دن بطور سینئر کلرک اپنی ڈیوٹی سرانجام نہیں دی ہے اگر اس کا نام جنرل سٹاف کے لسٹ سے حذف نہیں کیا گیا تو جنرل سٹاف کی سخت حق تلفی ہوگی جو کہ جنرل سٹاف کے سینئر ٹی لسٹ کے زمرے میں نہیں آتی۔

Scipelt

Put up  
on file  
A

9/3/18

District & Session Judge  
"Tank"

لہذا استدعا ہے کہ سینئر ٹی لسٹ سال 2017 کی درستگی کی جائے۔

العارض  
Nawaz

محمد نواز کلرک آف کورٹ / اسٹنٹ عدالت سینئر سول جج صاحب ٹانک

**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.

3. 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 corrigendum order no. 505/105) 28 <sup>4</sup>/<sub>18</sub> it is 23.12.2005.

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.

*Amh/27/4/18*

**Announced**  
27/04/2018


**(Aurangzeb)**  
District and Sessions Judge Tank

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

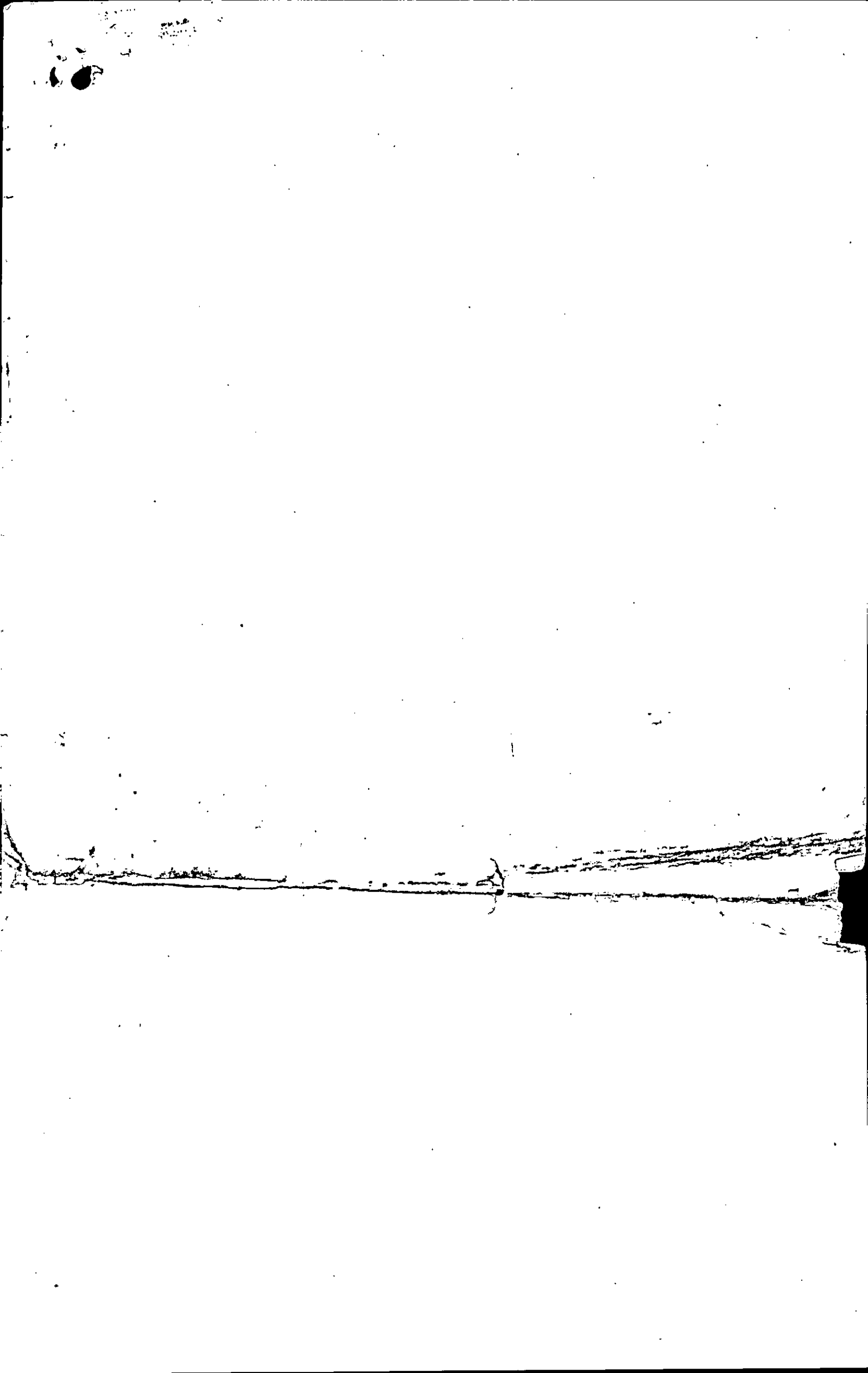
Sr.#	Name with parentage	Date of birth	Domicile	Qualification	Date & post of first entry in Govt: service	Date of promotion /Induction to the present post	Mode of appointment D/P*	Date of attaining superannuation	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Mashal Khan s/o Raza Khan	25.06.1978	Tank	M.Sc	13.01.2005 As Junior Clerk	26.02.2009	D	24.06.2038	
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	
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	
3	Shahid Hussain s/o Ghulam Hussain	01.07.1981	Tank	MBA(B&F)	21.12.2010	21.12.2010	D	30.06.2041	Provisionally included subject to equalization of the basic pay scales.

  
 District & Sessions Judge  
 Tank





**OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
TANK**

No. 504 /DSJ

Dated Tank the 27/04/2018

Office phone #: 0963-510024

Fax #: 0963-510515

E mail: dsjtank@gmail.com

**ORDER**

In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of North West Frontier Province Civil Servants (appointment, promotion and Transfer) Rules, 1989, the following Final Seniority List is issued for information of all concerned. The position of various officers/officials is mentioned in the list as it stood on 31.12.2017.

*Aurangzeb*

(Aurangzeb)

District & Sessions Judge, Tank

OFFICE OF THE  
DISTRICT & SESSIONS JUDGE,  
TANK

No. 503 /DSJ

Dated Tank the 27/04/2018

Office phone #: 0963-510024

Fax #: 0963-510515

E mail: dsjtank@gmail.com

To;

Muhammad Nawaz  
Clerk of Court,  
Court of Senior Civil Judge, Tank

Subject: SENIORITY LIST

Memo:

Please find enclosed herewith a copy of order of 27.04.2018.

Your objection on the seniority list stands disposed of, *accordingly*;

*Aurangzeb*

Aurangzeb

District & Sessions Judge, Tank

*Received*

*Nawaz*

*28/4/018*