پخدمت جناب رئیمشر ارصاحب پشاور مانی کورٹ پشاور <u>ڈیپارٹینٹل اپیل برخلاف فائنل سینیار ٹی کسٹ مورجہ 2018-04-27</u> مسام میں مسکسے B

جناب عالى_!

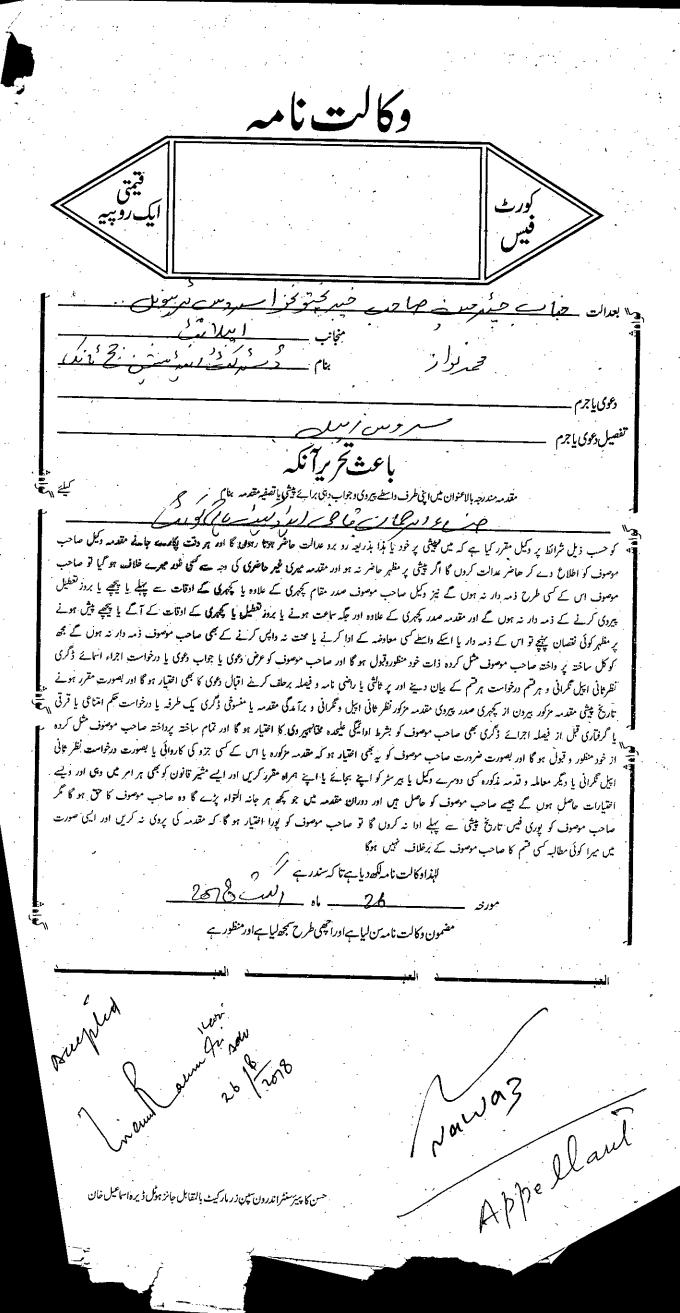
گزارش ہے کہ من سائل نے قبل ازیں پرویژنل سینیارٹی لسٹ کے خلاف مورخہ 2018-03-09 کواپیل عدالت ڈسٹر کٹ اینڈسیش جج صاحب ٹانک میں دائر کی تھی جو کہ بروئے تھم مورخہ 2018-04-27 کوخارج ہو بھی ہے۔اب من سائل کے علم میں آیا ہے کہ پرویژنل سینیارٹی لسٹ بناتے ہوئے غیر قانونی طور پر فائنل سینیارٹی لسٹ مورخہ 2018-04-27 کوعدالت ڈسٹرکٹ سیشن جج صاحب ٹائک سے جاری کی گئی جو کہ من سائل کے حقوق پرغیرمؤثر ہے اور یہاں پر بیام بھی بیان کرنااز حدضروری ہے کہ فائنل سینیارٹی لسٹ مورخہ 2018-04-27 کوعدالت ڈسٹر کٹ اینڈسیشن جج صاحب ٹا نک نے سائل کو Communicate نہیں کی گئ ہے۔ چونکہ من سائل مورخہ 01993-11-01 کوبطور جونیئر کلرک بھرتی ہوا اور مورخہ 1994-06-30 کوتر تی یا کرسینئر کلرک کی پوسٹ پرریکارڈ کیپرنعینات رہا۔اورمسلسل اپنی ڈیوٹی بخوبی سرانجام دیتار ہا۔ دوران سروس بھی کسی افسر کوکسی بھی قتم کی شکایت کا موقع نهيس ديا اوراس طرح مورخه 2007-11-29 كوتر في ياكراسطنت BPS - 14 تعينات مواراوربطور كلرت آف كورث كي دُيوني تا حال سرانجام دیتار ہا۔اورسال 2016 تک کی سینیارٹی لسٹ میں من سائل دوسرے نمبر پرتھااوراول نمبر پرسینیارٹی لسٹ میں ولی بت خان تھا جو کہ اب ریٹائر ہو چکا ہے۔ جب کہ اس کے برعکس لیافت اللہ سول ناظر 2016 تک کی سینیارٹی لسٹ میں نام تک بھی موجود نہ ہے۔اور لیافت اللہ سول ناظر مور خد 1994-03-01 کوبطور نائب قاصد بھرتی ہے اور مور خد 1994-11-01 کو پیادہ تعینات ہوا اور پیاده کی ڈیوٹی سرانجام دیتار ہا۔اورمور خہ 1997-01-11 کوتر تی پا کربطور نائب ناظر 5- BPS تعینات ہوا۔اس سے صاف واضح ہوتا ہے کہ لیافت اللہ من سائل سے بورے جار 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 جزل ساف ہے جو کہ ڈسٹر کٹ اینڈسیشن جج صاحب کے اختیار میں ہوتا ہے۔ اور لیافت اللہ نے دوران سروس ایک دن بھی بطور سینئر کلرک ڈیوٹی سرانجام نہیں دی۔اگراس کا نام جنزل سٹاف کی لسٹ سے مذف نہیں کیا گیا تو جنزل سٹاف کی سخت حق تلفی ہوگی۔

لہذا مہر بانی فرما کرسینیارٹی لسٹ 2017 کی در تنگی کی جائے۔سائل تاعمر دعا گورہے گا۔

مورخه: 2018 / 05 / 25

/Nawa3

سائل محدنواز ککرک آف کورٹ عدالت سینئرسول جج ٹا نک



BEFÓRE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

1. K.

Service Appeal No. 1151/2018

Muhammad NawazAppellant

Versus

The Registrar PHC & another.....Respondents

INDEX

S:#	Description of Documents	2 Date	Annexure	Pages
1.	Reply along with Affidavit		1	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 Advoclate, Supreyne Aburt of Pakistun

3-10, Haroon Mansion Khyber Bazar Peshawar

Off: Tel: 091-2592458 Cell # 0345-9337312

Dated: 27/03/2019

BEFÖRE 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/Liaqatullah 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/Liaqatullah 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 alongwith 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 Schiority 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, Advosate/

Supreme Court of Pakistan

Counsel,

Dated: 27/03/2019

Verification

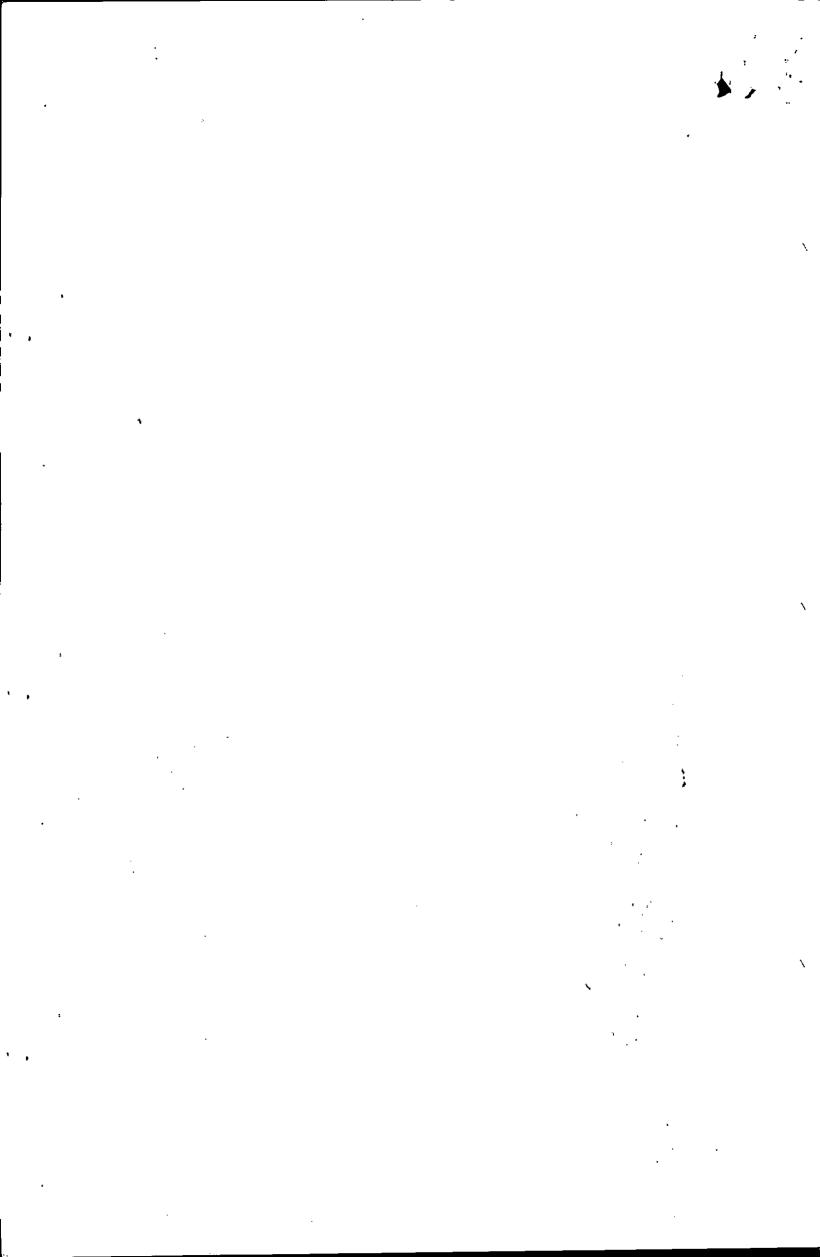
Verified as per instructions of my client, that the contents of this Reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

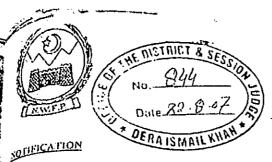
(SENIORITY LIST OF THE ESTABLISHMENT OF THE DISTRICT AND SESSIONS JUDGE, TANK AS ON 01-03-2007

.a. 61	Name of Officials and Dasignation	Father's Name	Domicile	Basic pay Scale	Qualification	Dats of Birth	Data of entry in Service	Date of entry in present scale/ Grade
<u>s.n</u>	One post of Stenographer	1 20101 3 (12110		20000 2 2 2 2 2 2 2 2				09-121997
i į		Muhammad Ramzan	DIKhan	15	D.Com	3-37-1969	4-6-1989	
	Javed Iqba	Said Rehman	Tank	12	FA	7-7-1977	29-6-2006	29=06-2006
2	One post of Stenoiypist	Salu Reninan	1 1 4 1 1 1	·-		,		
	Ali Muhammad				<u>`</u>		1	1
3	Two posts of Assistance	Ajmal Khan	I Tank	12 (Move over)	Matric	3-3-1 92 2	2-4-1980	01-11-1993 (Move Over wof01-12-2001)
	1. Kifayat Ullah	Faui Dar	Tank	11	Matric	ं3-1%; ≋	27-11-1977	1-2-2007
	2. Wali Bat Khan	rauj Dai	70131			 		
4	Two posts of KPO	Muhammad Hanif	Tank	10	B.Sc (Comp: Sc)	. <u>16012-1691</u> 1	+ 10-01-2005	10-01-2005
	Muhammad Rafiq	Gul Zamaw	Tank	10	MCS	: 06-04-1980	01-03-2007	01-03-2007
	Muhammad Tahir	Gui Zaina 🔨	10111	10		1		
5	Three posts of Senior Clerk	Adabased Mag	Tank	07	B.A		1-11-1993	01-04-1994
	1. Muhammad Nawaz	Mehmood Khan	DiKhan	07	Matric	01-05-1951	09-1-1986	13-07-98 (Transferred from DIK to Tank) vide order No: 597476 dated 22-07-2000
	2. Naeem Ullah Khan	Aziz Ullah Khan	Tank	07	LA IMAGE	101-03-1301	21-11-1993	01-02-2007
	3. Aziz Ullah	Zafar Khan	1 ank	- 97			_ 1-1300	1 *
3	Nine Posts of Junior Clerk	1		07.00	FA		3 5-11-1993	98-11-93 (Awarded S/G wol 14-02-1995;
•	Ghulam Daud	Naurange Khan	Tank	07 S/G	Matric	1 04-64-1973	22-01-1994	01-7-1994
	2. Muhammad Yar	Baba Ji	Tank	05	MA(Pol: Sci:)	01-01-1970	19-10-1993	19-09-1994
	3. Essa Khan	Daulat Khan	Tank	05	MA(Pol. Sci.)	7.7-36-75 %	27-12-1992	01-03-1995
	4. Saif Ur Rehman	Abdul Rehman	DIKhan	05 .			. 20-10-1998	
	5. Rais Khan	Gul Moh'd	Lakki Marwat	05	Matric	07-3-1976	21101998	20-16-1998 21-10-1998
	6. Sami Ullah	Moh'd Jan	Tank Tank	05	D.Com	20-12-1972	2-1-1994	
	7. Gul Zar Khan	Amal Dar	Tank	05	`Matric		13-01-2005	4-3-1999 31-01-2005
	8. Mashal Khan	Raza Khan	DIK	05	B.Sc	25-06-1978		01-03-2007 -
	Safdar Abbas	Moh'd Aslam	DIK .	05	FA .	01-09-1982	01-03-2007	
7	One post of Driver						-0.004004	04.04.4004
	Waris Khan	Nadir Khan	Tank	04	Matric	12-02-1967	12-02-1991	01-04-1994
3	One post of Daftari	T				1		
	Humayun khan	Umar Khan	Tank	02	Matric	14-04-1969	08-12-1993	08-12-1993
9	Two posts of Naib Qasid					1		
-	1. Muhammad Ayub	Ghani Ur Rehman	Tank	01	Nil	1962	29-10-1987	12-09-1996
	2. Muhammad lobal	Badshah Khan	Tank	01	Matric	6-2-1959	20-07-1994	20-07-1994
10	One Post of Chowkidar		"				,	
, 0	1. Obaid Ullah Jan	Naeem Khan	Tank	01	Nil	1964	07-4-1994	10-3-1999
11	Two Posts of Sweeper	1				· .		
٠,.	1. Igbal Khan	Dilawar Khan	Tank .	01	Niľ	5-4-1967	5-4-2000	5-4-2000
	2. Niaz Hussain	Sher Khan	Tank	01	Nil	1967	28-03-2005	28-03-2005

Moser Officials having any objection are required to submit the same to the Undersigned within one month of the issue of the instant Seniority List. Bleurot & Sessious Hoge

VEVAR.





COVERNMENT OF NWEE FINANCE DEPARTMENT

(REGULATION WING)

Dated Pesliawar, the 28th July, 2007.

30 50 500 837-272007. The competent authority has been pleased to accord sauction to the up-gradation

	S.No.	Nomenclatur			
	1	Assistant	s or the post	Existing Scal	
	2	Auditor		BPS-11	le Upgraded Sche
	3	Senior Clerk		Bis	BPS-14
		Junior Clerk		DPS-7	BPS-14
,	اا	norman Cigit	- -		BI'S-9
					4384

The incumbents of the up-graded posts will also dand apgraded and their pay will be fixed at the age next above their basic pay in their lower pay.

The Competent Authority has also been pleased to approve that employee from BPS-1 to 4 would none one scale up in the pay scales wear for lab, 2007

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

As a special dispensation, the annual increment falling due on 1° December 2007 shall be admissible to the above-mentioned employees in the operated pay scales.

SECRETARY TO GOVT: OF NWFP FINANCE DEPARTMENT

C Endst No. & Date even.

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

are temeti Kb

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- Ð All Administrative Secretaries Government of FWFP
- 2) Senior Member, Board of Revenue, NW CP, Fe diawar
- 3) Accountant General, NWFP, Peshawar. Secretary to Governor, SWFP, Peshawar. 4)
- Principal Secretary to Chef Minister, NWFP. 5)
- Secretary Provincial Assembly, NWFP 6)
- All Heads of Attached Departments in NWFP 7)
- Registrar, Perhawat High Court, Perhawat 8)
- All Zilla Nazuns/Distret Coordination Officers/Political Agents District & Sessions 9)
- Judges/Executive District Officers in NWFP, Registrat, NWFP, Public Service Commission, Peshawar,
- 10)
- Registrar, Service Tribumi NWFP. H)
- All the Autonomous and Semi Autonomous Isodies in NWFP, 7011 the Applications and the Punjab, Sindle and Balochistan, Finance Department, Sucretary to Government of the Punjab, Sindle and Balochistan, Finance Department, 12)
- 13) Lahore, Karachi and Quetta. Pie District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbonabad,
- 14) Swat and Darkman. Meebunis Officer Nuwshern, Swabi, Charsadda, Haripur, Massehra The Senior District Accounts Officer Nuwshern, Swabi, Charsadda, Haripur, Massehra
- 15) and Dir (Lower).
- The Treasury Officer, Peshawar All District/Agency Accounts Officers in NWFP/FATA. 16)
- PS to Minister for Finance NWFP. 17)
- PS to Chief Secretary, NWTP 18)
- PS to Additional Chief Secretary, NWTH 19)
- Director Local Funa Audit, NWPP, Peak Ca. 20)
- Director Lucai range Department for placing the same on the Webme of Finance Director, FMID, Finance Department for placing the same on the Webme of Finance 21) 22) Department.
- 23)
- PS to Finance Secretaries/Deputy Secretaries in Finance Department, PAs to All Addl. Secretaries/Deputy Secretaries in Finance Department, PAS to All Auth. Section Officers in Finance Department. 2-1)

(Naib Khan) एक छात्रव र प्राप्तिक र स्थाप

. Y * j • · · .

20/05 2014 12:15 FAX 0010210382

SSF FD Pacharar

Ø001



GOVERNMENT OF KHYBER PAKHI FINANCE DEPARTMENT (REGULATION WING)

Dated Peshawar, the 20-05-2014

AN CONTRACT HIGH COLE OF Receipt No. ڪڙيچ

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 fexcept Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect

No.	Nomenclature of the pos:	Existing Scale	Upgraded Scale
	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
	Senior Clerk	BS-09	BS-14
	Junior Clerk	85-07	BS-11

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 GOVE OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Endst No. & Unic even.

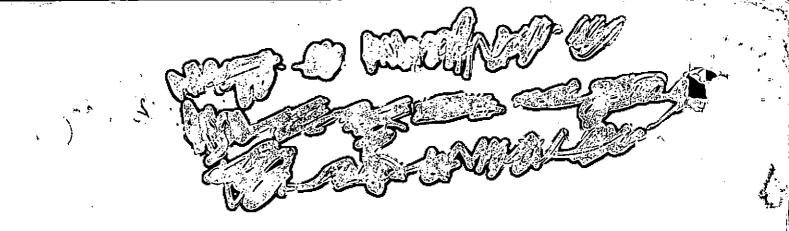
Copy of the above is forwarded for information and necessary action to the: -

- PS to Additional Chief Secretary, FATA.
- All Administrative Secretaries Government of Khyber Pakhtunkhwa. Senior Member, Board of Revenue, Khyber Pakhrunkhwa Peshawar.
- Accountant General, Khyber Pakhtunkhwa, Peshawar
- Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- Secretary Provincial Assembly, Khyber Pakhtunkhwa. 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in
- 11. Chairman, Khyber Pakhsunkhwa, Public Service Commission, Peshawar.
- 12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13. All the Autonomous and Semi Autonomous Bodles in Khyber Pakhtunkhwa. 14 Secretary to Govi; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- Secretary to Gover or runjab, Sinon and manufacture, rinance Coperiment, Canore, Karochi and Quella.

 15 The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.

 16. The Senior District Accounts Officer Nowshera, Swabl, Charsodda, Haripur, Mahschra and Dir Lower.
- 18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA. 19. PSO to Senior Minister for Finance, Khyber Pakhrunkhwa.
- 20. PSO to Chief Secretary, Khyber Pakhtunkhwn.
- 21. Director Local Fund Audit. Khyber Pakhtunkhwa Peshawar.
- 23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 25 Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Superintendent, Assistant, Clerks Association with reference to his application No. PRIKPS/SACA/2-1/2013 dated 8-01-2014

VILLAH) SECTION OFFICER (FR)



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

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 DIKhan





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

Pris

- 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 selfstated 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 in 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 in 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 in incorrect and misconceived and is selfstated 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.

Chr

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

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

DEPENDANT

DEPONENT

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

Misc. Application	No	/2018
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in

Service Appeal No.1151/2018

Muhammad Nawaz

9

.....(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.

Jun V

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: 23.09.2019

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

DEFEMBANT

DEPONENT

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

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	Nomenclat ure of Post	Minimum qualification	Age Limit	Method of recruitment		
	,	for appointment by initial recruitment				
1	Superintende nt 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/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		

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District Judiciary

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

	- 1		Terms and Conditions of Service
i	3		post of Superintendent BPS-16.
	2 Senior S		S I IS = 30 I i Tuanty five asset
	Senior of Stenogram BPS-15		a years recruitment; and
1	置 BPS-15	recognized	roct station, and
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	-	minute i	seniority-cum-fitness, from
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		having	· !
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		Court 1s the	
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-	Steno typist	as well.	
-	BPS-12	i. Intermedi	18 - 30 i. Seventy five percent by initial
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-		qualiticati	
		on from a	ii: twenty five percent by
1		recognize	promotion, on the basis of
1.		d board;	seniority-cum-fitness, from
-	1	and	amongst holders of the post of
T	1	ii. a speed of	Key Punch Operator (BPS-10)
		[50]	who possesses the required
		words per	qualification as mentioned in
	<u>!</u>		column#3.
1		minute in	
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	-	35 words per	
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2-Establishment of the District Courts
Terms and Conditions of Service

District Judiciary

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

			English.		- one months of Setvice		***				Terms a	nd Conditions of Service
			Preference be given to candidares	will the		-						12 (all BPS-7) with at least three yeas service as such.
			having knowledge MS Office, iii. In	of the l	_			16	Assistant/Adountant BPS	G- degree from recognized	a 18 - 30 years	By initial recruitment.
-			Districts where Urdu	is		-				University. Preference, w be given Bachelor's	ill to	
			the Coulanguage	urt c, of						degree will Commerce, Economics o	or	
			30 word per minu in cypin in Urdu a	te g				1	Assistant/Civ	Special subject	s 📗	·
	A de	ssistant/Re er. BPS-11	well.	18 -	initial recruitment, and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, frum			(E)	Assistant/Civ			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
-		THE MANAGEMENT AND ADMINISTRATION OF			amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least			9	Key Punch Operator	i. Intermediate	years	service as such. By initial recruitment.
(5	′ rk(istant/Cle Of Court S-11	Bachelor's Degree from a recognized	18 – 30 years.	i. Twenty five percent by initial recruitment, and	1			BPS-10	Statistics/Eco nomics/Math ematics/Phys	,	
- 1	2.	14,	University.	and the great of the second of	promotion, on the basis of seniority-cum-fitness, from				<i></i>	ics as one of the subjects; and, it a minimum		
(6)	Assi	Stant/Ass	Bachelor's	18 - 30	Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three year service as such. i. Twenty five percent by					speed of ten thousand key operations per hour for	·	
- Al- _e	of Co BPS-	ourt	Degree from a recognized University.	years,	initial recruitment; and.					punching data entry/verifica		
					ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of					tion.		
	230				Senior Clerks at serial # 10 to						ļ	

. !		Mo. 4		
	II-District Judiciar		District Judiciary	2-Establishaters of the District Courts
	10 Senior Clerk/Reader BPS-7	Terms and Conditions of Service By promotion, on the basis of seniority-cum-fitness, from amengst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Huharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such: Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be a maintained for the purpose of promotion to the post of Senior Clerk/Reader. By promotion, on the basis of seniority-cum-fitness, from	Senior Clerk/English Clerk BPS-7	Terms and Conditions of Service By promotion, on the basis of semiority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyst. Junior Clerk/Copy Clerk. Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such: 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. 18 – 30 j. 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-caseno suitable candidate from amongst holders of the posts
to the statement was a sure of the state of	7	years service as such:	additional	of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-
		Provided that a common seniority fist of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose	qualificati ons in Accounts; and ii. a speed of	Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years
•		of promotion to the post of Senior Clerk/Record Keeper.	30 words per minute in typing.	service as such. Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and
	232	Judicial Estacode 2011	Judicial Estacode 2011	233 ——

II-District Judiciary

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

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

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			j	HOIGEIS OF the page 12.							Malt and Water Carrier
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1				f a rounded titall.	- 1			1			promotion, separate common
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ł	1			Certificate in the same		And And And And And And And And And And			[holders of the posts of
1				session, the official back	_						Chowkidar, Naib Qasid,
				The service shall want.	~	45.4					Sweeper, Chowkidar-cum-Mali,
1				senior to other officials;	j	44.					Mali and Water Carrier shall be
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			1	b. where a senior official	"	7					the date of their acquiring the
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			1	the requisite experience						1	Certificate in the same
		1		shall be promoted in						-	session, the official having
			1	preference to the senior			- 1			İ	longer service shall rank
				official.	ì	2 20	ĺ				senior to other officials;
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	t BPS-5		years	by initial recruitment; and	}	1	j				does not possess the
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	State of the state	qualification		amongst the holders of the posts of Daftari and	1	1. 4				1	the requisite experience
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		Board; and	1	and three years service as such: and in case no			i		i	j ,	official.
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·	i	minute in		posts of Daftari and			- 10	Clark BPS-5	Certificate	years.	by initial recruitment; and
	İ	typing.		Record Lifter is available.					Examination	-	is not more than 20
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H-District Judiciary

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

II-District Judiciary

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

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	!			promotion, separate commor	-				typing.		posts of Daftari and Record
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1				of the posts of Daftari and	, i		1				amongst holders of the posts
1				Record Lifter; and (ii) the							of Chowkidar, Naib Qasid,
				holders of the posts of		A STATE OF THE STA				1	Sweeper, Chowkidar-cum-
]				Chowkidar, Naib Qasid,	İ	á	. !	.,			Mali. Mali and Water Carrier
		-	•	Sweeper, Chowkidar-cum-M	. *		İ			j	who have passed Secondary
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-		* "	4.0	ionger service shall rank			!			. 9	Sweeper, Chowkidar-oum-Mali,
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r		Í		, requisite experience at the	e i	-1		ŀ	ļ		fficials have acquired the
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	- 1	į		vacancy, the official nex		1 -		Ì			ne same session, the official
			į	junior to him possessing	-		1		ļ		aving longer service shall rank
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II-District Judiciary

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

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

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İ	- 1			of the posts of Daftari and			- 1		. . .		amongst holders of the posts
				Record Lifter; and (ii) the		50.	į				of Chowkidar, Naib Qasid,
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1				Chowkidar, Naib Qasid,		ar.	-	i	Į.	1	Mali, Mali and Water Carrier
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-			* [Certificate in the same	. 34	- 1					nolders of the posts of
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				senior to other officials;	TO STATE OF SHARE SHIP BETTER			į			Mali and Water Carrier shall be
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II-District Indiciary

2-Establishment of the District Courts ...

Terms and Conditions of Service 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. Not less than 70 percent 18 - 30Secondary 17 | Junior by initial recruitment; and School Clerk/Muharr vears not more than 30 percent ir/Reader Certificate by premotion, from amongst the BPS-5 Examination or holders of the posts of Daftari and equivalent Record Lifter with Matric and qualification three years service as such; and in from case no suitable candidate from recognized amongst holders of the posts of Board; and Daftari and Record Lifter is ii. a speed of 30 available, then from amongst holders of the posts of words per Chowkidar, Naib Qasid, Sweeper, minute in Chowkidar-cum-Mali, Mah and typing. Water Carrier who have passed Secondarý School Certificate Examination and have at least five years service as such. Nate. 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 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

II-District Judiciary

-- Judicial Estacode 2011 -

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

_		T .			
- 1	18	Junior	i. Secondary	18 - 30	
		Clerk/Typist	Schoo!	years	hy initial recruitment; and
į		BPS-5	Certificate	, ,	ii. not more than 30 percent
-	-		Examination or		by promotion, from amongst the
					holders of the posts of Daftari and
1	ĺ		equivalent		Record Lafter with Matric and
	İ		qualification		the a second earter with Matrie and
	Ì		from a		three years service as such: and in
-	- 1		recognized		case no suitable candidate from
-	1		Board: and		amongst holders of the posts of
ļ	ļ		ii. a speed of 30		Daftari and Record Lifter is
- 1	ļ				available, then from amongst
	ĺ		per		holders of the posts of
	Ì		minute in		Chowkidar, Naib Qasid, Sweeper.
	İ		typing.		Chowkidar-cum-Mali, Mali and
- [i			•	Water Carrier who have passed
1	- 1		,		Secondary School Certificate
					Examination and have at least
-			ļ		five years service as such.
	i		!		Note. For the purpose of
					promotion, separate common
	ĺ	İ			seniority lists of (i) the holders of
1					the posts of Daftari and Record
					Lifter; and (ii) the holders of the
1.	ľ		1		Program of Chambridge Notice
1					posts of Chowkidar, Naib Qasid.
	- 1				Sweeper, Chowkidar-cum-Mali,
	İ]			Mali and Water Carrier shall be
					maintained with reference to the
		į			date of their acquiring the
	.]				Secondary School Certificate:
					Provided that:
1	.]		· ·	.	a it two or more officials
ĺ					have acquired the Secondary
				7.	School Certificate in the same
		j	•		session, the official having longer
	1	!		ŀ	service shall rank senior to other
ſ					officials; and
ł					b. where a senior official
					does not have the requisite service
				1	at the time of filling up a vacancy,
	1			İ	the official next junior to him
			`	į	having the requisite service and
	1	İ			qualification shall be promoted in
		}			preference to the senior official.
	↓_			! '	de de de de de de de de de de de de de d
19		nior		<u>-</u>	
-	CI	erk/Naib	'	1 1	By promotion, on the basis of
19-1-17-0	Na	ızir BPS-5		1 .	seniority-cum-fitness, from
	1		1	[]	imongst holders of the posts of
. ~	1	į			1
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		·		L.!.	ixamination, with at least three

Judicial Estacode 2011---

semor official.

II-District Judiciary

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

- Judicial Estucode 2011---

	5 5 5 5 6		Lerms and	d Conditions of Service
:				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.
				Note. Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring 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 thetime of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted
		www.aman.com/aman.co	num monto i	in—preference to the senior official.
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 Counts. Terms and Conditions of Service

22				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: Provided that a common semority 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. By promotion, on the basis of
23	BPS-2			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: 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.
23	Bandi 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	Ey 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-Mati BPS-1	Literate	25 – 40 years	By initial recruitment.
29	Mali BPS-1	Preferably literate	18 – 40 years	By initial recruitment.

- Judicial Estacode 2011 -

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COURI

NOTIFICATION

Dated Peshawar the 23rd February, 2017

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 KHARI)

Eddst: No.37

Copy forwarded to: -

All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.

The Accountant General, Khyber Pakhtunkhwa, Peshawar.

3. The District Accounts Officer, Dir Upper.

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, Poshawar High Court, Peshiwar.

8. The PA to AR (Admn), Peshawar High Court, Perhawar.
9. The official concerned by name.

(HAN) PAS

REGISTRAR

16 PESHAWAR HIGH COURT, PESHAWA

NOTIFICATION

No. 67-	Dated Pe	hawar the 30th June, 2018
m pursuance o	of the recomme	
165 11186	FUND dated 20 of	
Assistant/Civil Nazir (BPS-16) is pro the vacant post in the Court of Distr with immediate effect	Moted as Suppril	J. L
with immediate effect.	ger & Sessions Ju	rdge/Zilla Qazi, Dir Lov/er,
extendable as provided s	on probation for	r a period of one year,
extendable as provided for under the	rules.	
	·	

By order of Hon'ble the Chief Justice

(SHAR (FAHMAD) REGISTRAR

Dated Pesh the 1

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

PESHAWAR HIGH COURT, PESHAWAF

NOTIFICATION

Dated Peshawar the 21st July 2018

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

(NICI-DU-HILAW ALAWAHX) REGISTRAR

Dated Pesh the 24, 7/2018

Endst: No. 117)7-57

Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhrunkhwa.

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.

WAJIH-UD-DIN)

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

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: 2-3.04.2019

Your Humble Respondent Through Counsel

GUL TIAZ KHAN MARWAT Advocate High Court DIKhan

BEFORE THE KPK SERVICE TRIBUNAL CAMP COUR'T 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

Chry

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 selfstated 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

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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 in 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 in 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 in incorrect and misconceived and is selfstated 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.

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

DEPENDAN

DEPONEN

EFORE THE KPK SERVICE TRIBUNAL CAMP COURT D.I.KHAN

Misc. Application No. ____/2018

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,

- That this Para need no reply. 1.
- That this para is incorrect and misconceived. The seniority 2. 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.
- That this Para is also incorrect and misconceived as 3. 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.

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 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

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 Stoff)-Recruitment Rules, 2003.

	1	2	3	4	5
_	S No	Nomenclat ure of Post	Minimum qualification	Age Limit	Method of recruitment
			appointment by initial recruitment		
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					Assistant/Clerk of Court,
İ		. , ~	,		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
į					such:
			-		Provided that a common
ļ					seniority list of holders of the
-				•	posts at serial # 4 to 8 below
			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		shall be maintained for the
L			.		purpose of promotion to the

n'District Judiciary

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

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2	Senior Scal			30 i. Twenty five percent by initial
	Stenograph	, .	i year	s recruitment; and
-	BPS-15	recognized		
图		University and	1	ii. seventy five percent by
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	,	words per	1	promotion, on the basis of
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					seniority-cum-fitness, from		1					1		and	I Urdu, with five vears	'
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17	5) As	sistant/Cle			three yeas service as such.		1		BF	PŚ-10		ties/Eco	years -			
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		——— <u>——————————————————————————————————</u>		S	enior Clerks at serial # 10 to		Ī	.		į	: .		.1			
	230	· ·										1	1			

Page 16. H-District Judiciary 2-Establishment of the District Courts 2-Establishment of the District Courts... histrict Judiciary Terms and Conditions of Service Terms and Conditions of Service By promotion, on the basis of seniority-cum-fitness, from Clerk/English amonest holders of the posts of Clerk BPS-7 Senior Clerk/ By promotion, on the basis of Junior Clerk/Nazir, Junior Reader BPSseniority-cum fitness, from Clerk/Copyist, Junior: amongst holders of the posts of Clerk/Copy Clerk, Junior Junior Clerk/Nazir, Junior Clerk/Examiner, Junior Clerk/Copyist, Junior Clerk/Muharrir and Junior Clerk/Copy Clerk, Junior Clerk/Typist at serial # 13 to 18 Clerk/Examiner, Junior (all BPS-5) with at least three Clerk/Muharrir and Junior years service as such: Clerk/Typist at serial # 13 to 18 Provided that a (all BPS-5) with at least three common seniority list years service as such: of the holders of the posts from serial # 13 to 18 below shall be Provided that a common seniority lisi maintained for the of the holders of the purpose of promotion posts from serial # 13 : to the post of Senior to 18 below shall be Clerk/English Clerk. maintained for the Secondary 18 - 30Junior Not less than 70 percent by purpose of promotion Clerk/Nazir School years initial recruitment; and to the post of Senior BPS-5 Certificate ii. not more than 30 percent by Clerk/Reader. Examinati promotion, from amongst Senior By promotion, on the basis of on the holders of the posts of Clerk/Record seniority-cum-fitness, from equivalent Daftari and Record Lifter Keeper BPSamongst holders of the posts of qualificati with Matric and three years Junior Clerk/Nazir, Junior on from a -service as such:-and-in-case Clerk/Copyist, Junior no suitable candidate from recognize Clerk/Copy Clerk, Junior d Board. amongst holders of the posts Clerk/Examiner, Junior preference of Daftari and Record Lifter Clerk/Muharrir and Junior will is available, then from be Clerk/Typist at serial # 13 to 18 given to amongst holders of the posts (all BPS-5) with at least times holders, of of Chowkidar, Naib Oasid, years service as such: additional Sweeper, Chowkidar-cum-Provided that a common qualificati Mali, Mali and Water seniority list of the holders Carrier who have passed ons of the posts from serial # 13 Accounts: Secondary School to 18 below shall be and Certificate Examination and maintained for the purpose have at least five years a speed of of promotion to the post of 30 words service as such. Senior Clerk/Record per minute Note. For the purpose of Keeper. in typing. promotion, separate common seniority lists of (i) the holders of the posts of Daftari and

Judicial Estacode 2011-

Judicial Estacode 2011

H-District Judiciary

2-Establishment of the District Courts

Terms and Conditions of Service

1-District Judiciary

2-braublishment of the District Courts

Terms and Conditions of Service

1-District Judiciary

2-braublishment of the District Courts

Terms and Conditions of Service

in the communicacy of the con-				conditions of Service	170	No.	[]-De			annum and the time Distroy Courts
				Record Lifter; and (ii) the	Anna Section	4 de	19	The war is a second	. Term	stand Conditions of Service
			1	holders of the		1-77				A Company of the Comp
				holders of the posts of	3	200			į i	Mali and Water Carrier
			!	Chowkidar, Naib Qasid,	-	12.423			-	who have passed
<u>.</u>			j	A Michigan Character to		100		i	1	Secondary School
	1	ļ	1	Mali and Water Carrier shall t	ali, -	71			ł	Certificate Examination
.,	1	İ	[maintained with reference to	be 🏻 🚆					and have at least five years
			1	the date of their acquiring the	7	-	1		į	service as such.
1.				Secondary Sala J. S.	3	i j			1	Service as such.
11				Secondary School Certificate: Provided that:		- 1			İ	Note. For the purpose of
	1		1	1 . To flace that;	3	ł	1		- 1	promotion, separate common
r., .	1		1	a. if two or more officials		- [İ		!	seniority lists of (i) the holders
	ĺ.			i nave acquired the					-	of the posts of Daftari and
ti l	1		ĺ	Secondary School		- 1		!	1	Record Lifter; and (ii) the
	1			Certificate in the same		- 1		j		holders of the posts of
g. 1				session, the official having		1				Posts (ii
				longer early and having		1				Chowkidar, Naib Qasid,
				longer service shall rank				•		Sweeper, Chowkidar-cum-Mali,
				senior to other officials	ان -	1				Mali and Water Carrier shall be
	1			and			1			maintained with reference to
.*				b. where a senior official	1 1	!			1	the date of their acquiring the
			İ	does not possess the		- 1	İ		ļ	Secondary School Certificate:
İ			"	requisite experience at the		`]-	•			- Provided-that:
1				time of filling up a		- 1			1	a. if two or more officials
			1	Vacancy the next to	1	- 1	1			
			. ,	vacancy, the official next	- 1	ł			1	have acquired the
1			1	junior to him possessing	1	[, ; ; ,		· -	Secondary School
				the requisite experience	. 3	ſ				Certificate in the same
			ĺ	shall be promoted in		- {			i	session, the official having
]	preference to the senior	* *				1	longer service shall rank
		j	j	official.	55	- 1	j		ļ	senior to other officials;
	4 - Junior			<u> </u>		_			į	and
	Clerk/Copyi	i. Secondary	18 - 30	i: Not less than 70 percent	. B				 	b. where a senior official
1	t BPS-5		years	hy initial name	1	ļ		ľ		distribution official
'	(DI 3-3	Certificaté	-	by initial recruitment; and	- 1		-	i	ļ.	does not possess the
· ·		Examination		ii	. 1		ļ		1	requisite experience at the
		or		ii. not more than 30 percent	· · · - ·					time of filling up a
	·	equivalent		by promotion, from	- 1	1			j	vacancy, the official next
tem jes i vita zaki je kaja i	artina e la elementario	qualification		amongst the holders of the						junior to him possessing
	1.			posts of Daftari and	i	- -	The state of the s	Part of the second		the requisits experience .
100		, , ,	j	Record Lifter with Matric	- 1		į	ļ		shall be promoted in
	J.,.	recognized	1	and three years service as	1		!			preference to 15
1.		Board; and	ļ	such: and in case no	i	İ	•	1.	! .	preference to the senior
. .	· · · ·	1 .		spirable and the case no	- 1				'	official.
J	1.	ii. a speed of 30		suitable candidate from		15	Junior	i. Secondary	10:30	
	 	words per	ľ	amongst holders of the		17	Glerk/Copy		18 – 30	The state of the s
		minute in	• 1	posts of Daftari and	1	1	Clark BPS-5	School	years	by initial recruitment; and
	:	typing.	-	Record Lifter is available,	- 1	7	Letter BED-D	Certificate		-,
. }	! .	Ara.		tiller eferter margin in bereichen		3		Examination.	34.	ii. not more than 30 percent
	ĺ			Of the books of Characters 1		2		.07		
]	Naib Qasid, Sweeper.	1	19		equivalent	ĺ	
-	·	1		Chowkular-cum-Mati,			- i	qualification	. [amongst the holders of the
				was with com-while	Ì . I			1		posts of Daftari and
				•		爱		from a	<u>-</u>	Record Lifter with Matric
				Judicial Remarks 2003	1 3	型		•		4.5. The second

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

II-District Judiciary

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

<u>, .</u>	-	James 12 P	1 0 2.52.212.3	Ţ	100					Terms an	id Conditions of Service
İ		1	recognized		and three years service as					1	
		'	Board; and				3	1			preference to the senior
1		į	1 220	ļ				1			official.
1	. !		ii. a speed of 30				[į	.
!	,		words per		i. DOSta Oi Prime.	1.32			1. Secondary	10000	
			minute in		Necolu Elliel is inclin.		. 16	Junior	 Secondary School 	18 - 30	
	İ		typing.		I UIEN NON ANDONER KALL			Clerk/Exami	Certificate	years	percent by initial recruitment;
	,			ļ	of the posts of Chowless	· · · · · · · · · · · · · · · · · · ·	}	ner BPS-5			and :
-					Naio Qasid, Sweens	*		 	Examination or		,
					Chowkidar-cum-Maii '	**************************************			equivalent		ii. not more than 30
1			•	1	Mali and Water Carrier	7	1 1	:	qualification		percent by promotion, from
	1			ĺ	who have passed			;	from a		amongst the holders of the
			:	!	Secondary School				recognized		posts of Daftari and Record
					Certificate Examination	1			Board; and		Lifter with Matric and three
					and have at least five years		[ii. a speed of 30	,	years service as such: and in
					service as such.	1			words per		case no suitable candidate
		}	!		Note. For the purpose of	5			minute in		from amongst holders of the
	-		i		promotion, separate common	30			typing.		posts of Daftari and Record
	ı	İ	İ		seniority lists of (i) the holders	1.72				ļ	Lifter is available, then from
	ŀ			-	of the posts of Daftari and				!	j	amongst holders of the posts
					Record Lifter; and (ii) the					1	of Chowkidar, Naib Qasid,
			1		holders of the posts of						Sweeper, Chowkidar-cum-
1	ļ				Chowkidar, Naib Qasid,		1				Mali, Mali and Water Carrier
			i		Sweeper, Chowkidar-cum-Mali,					. ''	who have passed Secondary
	ŀ			•	Mali and Water Carrier shall be					1	School Certificate
]		1	ĺ		maintained with reference to					İ	Examination and have at least
					the date of their acquiring the						five years service as such.
	- 1				Secondary School Certificate:			į		1	Note. For the purpose of
-	-		· · · 		Provided that:			• • •			promotion, separate common
		·			a. if two or more officials		•				seniority lists of (i) the holders
					have acquired the					. 6	of the posts of Daftari and
Ì					Secondary School				•		Record Lifter; and (ii) the
					Certificate in the same			í		h	olders of the posts of
			İ		session, the official having						Chowkidar, Naib Qasid,
1:	. þ.		and the second second		ionger service shall rank	걸	-		. Para de la companya de la companya de la companya de la companya de la companya de la companya de la companya		weeper, Chowkidar-cum-Mali,
		İ	İ		senior to other officials;					N	Mali and Water Carrier shall be
٠.	.	1		j	and		İ	1		l n	naintained with reference to
	·	İ			,		İ	į			ne date of their acquiring the
٠	1,		İ		b. where a senior official	-		ĺ	1	S	econdary School Certificate:
,	· .				does not possess the					Q Q	rovided that: if two or more
ļ. 1	:			!	requisite experience at the			ļ	-	1,1	fficials have acquired the
				' .	time of filling up a	1 1	!		•	. ie	accordary School Certificate in
ĺ			1		vacancy, the official next				l I		in same passion, the official
	.			İ	junior to him possessing	1 1			1	tn t.	e same session, the official
	.	*	1	Ï			ĺ	1			iving longer service shall rank
1	-	'		į	the requisite experience			ļ			nior to other officials; and
L .					shall be promoted in .	-	İ				here a senior official does not
						·				l' Dü	ssess the requisite experience

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No. 4

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

H-District Judiciary

Page - 19. 2-Establishment of the District Courts... ons of Service

	A STATE OF THE PERSON OF THE P	, ,								-Terms	and Conditions of Service
	<u>'</u>			at the time of filling up a		r	18 Junio				
	1			vacancy, the official next junior	1	- 1			i. Secondar	/ 18 –	
	1 1		1	to him possessing the requisite				Typist		year	rs [b) failful recruitment, and -
	•		!	experience shall be promoted in	1		BPS-)	Certificate		11. not more than 30 percent
	i			preference to the senior official.			•		Examination or	•	by promotion, from amongst the
17	Junior	i. Secondary	18 - 30	Not less than 70 percent		ı			equivalent		holders of the posts of Daftan and
•	Clerk/Muharr	School	years	by initial recruitment; and		ŀ	1		qualitication		Record Lifter with Matrie and
	ir/Reader	Certificate	,	ii. not more than 30 percent		1	ı		from a	!	three years service as such; and in
	BPS-5	Examination or		by promotion, from amongst the		- 1			recognized	-	case no suitable candidate from
	, pro-2	equivalent		holders of the posts of Duftari and					Board; and .	ļ	amongst holders of the posts of
	!			Record Lifter with Matne and	ļ.	- 1			ii. a speed of 30	•	Daftari and Record Lifter is
		qualification	ì	three years service as such: and in		-			words per	İ	available, then from amongst
		from a		case no suitable candidate from	[- 1			minute in]	holders of the posts of
		recognized		amongst holders of the posts of	!	i			1		Chowkidar, Naib Qusid, Sweeper,
	!	Board; and	Į	Daftari and Record Lifter is		ĺ			typing.		Chowkidar-cum-Mali, Mali and
		ii. a speed of 30		available, then from amongst	i	ı					Water Carrier who have passed
		words per		holders of the posts of		- 1					Secondary School Certificate
		minute in		Chowkidar, Naib Qasid, Sweeper,	!				1		Examination and have at least
		typing.	1	Chowkidar-cum-Mali, Mali and	1	İ	ļ				five years service as such.
		,, -		Water Carrier who have passed	į	- 1	1				Note For the purpose of promotion, separate common
				Secondary School Certificate	į	-	1				seniority lists of (i) the holder of
				Examination and have at least		1			1		the posts of Daftari and Record
				five years service as such	<u>J</u>	İ		i			Lifter; and (ii) the holders of the
	•			Note. For the purpose of	ł	-1	1	"			posts of Chowkidar, Naib Quid.
				promotion, separate common	ı			i			Sweeper, Chowkidar-cum-Maji
	j .			seniority lists of (i) the holders of	I	- }		İ			Mali and Water Carrier shall be 1
				the posts of Daftari and Record			-	- 1	1		maintained with reference to the
				Lifter; and (ii) the holders of the	i		-	ŀ			date of their acquiring the
• •				posts of Chowkidar, Nath Quitd. Sweeper, Chowkidar-cum-Mult.	į.	- 1			j		Secondary School Certificate:
•	•	•	•	Mali and Water Carrier shall be		-	-			•	Provided that:
				maintained with reference to the	i	- 1	ł	1			4 64
				date of their acquiring the				1			have acquired the Secondary:
	•	·		Secondary School Certificate:	ĺ	1.		- 1		i	School Certificate in the same
-				Provided that:	ļ			-			session, the official having longer
			1	a. if two or more officials	- 1		1	-	İ	j	have acquired the Secondary: School Certificate in the same session, the official having longer service shall rank senior to other
				have acquired the Secondary	į	1.	.}			!	officials; and
				School Certificate in the same	ļ	Ì	1		,	. 1	b. where a senior official
		•	.21.44	session, the official having longer	- 1	1				i	does not have the requisite service
		`		service shall rank senior to other	j	1		{	ļ		at the time of filling up a vacaney.
,		* <u></u>		officials; and	i	1	1,	, [İ		the official next junior to him
	4.	-	- ¥	b. where a senior offic al	j		ĺ			1	having the requisite service and
•		ا نسخة ا	, , j,	does not possess the requisite	i	-	<u> </u>	1		ì	qualification shall be promoted in
٠	•		` ,	experience at the time of filling		7 :	17	j	i	į	preference to the senior official.
		7.		up a vacancy, the official next	İ	19	Junior	 			
			-	junior to him possessing the	1]	Clerk/Nai			j	_
	!			requisite experience shall be	-	-			•	-	By promotion, on the basis of
				promoted in preference to the	ł	1	Nazir BPS	2-2 L			seniority-cum-fitness, from
	j			senior official.	İ	1:4				1	amongst holders of the posts of
	1/2				. }	117	1 1	ļ	1		Bailiff, who have passed
/:-					Í		<u> </u>		.]		Secondary School Certificate
								i	1		STREET WITH MODE OF LAST ALSO LABOR.

Judicial Estacode 2011---

- Judicial Estacode 2011

from

wkidar, Naib Qasid, owkidar-cum-Maji?

Examination, with at least three



· polistrict Indiciary

II-District Judiciary

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

<u> </u>	- 14,150		I CITIES AIT	a Conditions of Scrytee.
				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.
				Note. Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring 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.
٠.	15 F 17 - W 1			
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	30 45 years	By initial recruitment.
	-	least five years experience as such.	· \$.	

2-Establishmens of the District Count...
Terms and Conditions of Service

-				
	21 Daftari		ļ	By promotion, on the basis of
	BPS-2		i	seniority-cum-ritness, from
- 1	İ		1	amongst holders of the posts of
į	S.	į	i	areough holders of the posts of
	_		!	Chowkidar, Naib Qusid, Sweeper,
				Chowkidar-cum-Mali, Mali and
	ì	1		Water Carrier (all BPS-1) with at
				least two years service as such and
- 1	İ	ł		having passed Middle Standard
į				examination:
	İ			CN41/HH4((O)).
				Provided that a common seniority
			1	list of holders of the posts at serial
		i		# 25 to 30 below shall be
			ŀ	maintained for the purpose of
İ			·	manufactor the purpose of
1 7	2 Record Lifte	· · · · · · · · · · · · · · · · · · ·		promotion to the post of Daftari.
1 -	BPS-2	.'	1	By promotion, on the basis of
-	BL2-5			seniority-cum-fitness, from
			1	amongst holders of the posts of
				Chowkidar, Naib Qasid, Sweeper,
			1	Chowkidar-cum-Mali, Mali and
1.				Water Carrier (all BPS-1) with at
1				have two words as missing the all
		İ		least two years service as such and
			!	having passed Middle Standard
.	1			examination:
1				Provided that a common seniority
į		1]	list of holders of the posts at serial
i	1	İ		# 25 to 30 below shall be
-				maintained for the purpose of
	Ì		į	Promotion to the purpose of
			1 .	promotion to the post of Daftari.
23	Bailiff BPS-2	 		
1 23	Daniii DE2-2		. [By promotion, on the basis of
i				seniority-cum-fitness, from
		1	1	amongst holders of the post of
			_	Process Server.
24	1100000	Matric	18 - 35	By initial recruitment.
<u> </u>	Server BPS-1		years	
- 25	Chowkidar -	Preferably -	25 - 40	By initial recruitment:
	BPS-1	literate	years	-2at recruitment.
26	Naib Qasid	Preferably	18 - 40	D
-0	BPS-1	Literate		By initial recruitment.
		.1	years	
27	Sweeper	Preferably	18 40	By initial recruitment.
	BPS-1	literate	years	1
28	Chowkidar-	Literate	$\frac{25-40}{25-40}$	By initial recruitment.
	cum-Mali			2) metal recruitment.
			years	-
	BPS-1	<u> </u>	<u> </u>	
29	Mali BPS-1	Preferably	18 40	By initial recruitment.
	1	literate	years	
			<u> </u>	

— Judicial Estacode 2011 -

II-District Indiciary

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

18-40 By initial receimment.

30 Water Carrier Preferably literate

PESHAWAR HIGH COURT PESHAWAR

NOTIFICATION

Dated Peshawar the 23rd February, 2017 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

Endst: No. 3

(MUHAMMAD SALIM KHARI)

REGISTRAR Dated Pesh the

- All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
- 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, Peshawa...
- 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.

KHAN)

SESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Pechawar the 30th June, 2018

No! 67-1 In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 30.05.2018, 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 Hohible the Chief Justice

(SHARIF AHMAD) REGISTRAR

Endst: No. 9340 - 70 /Admn:

Dated Pesh the

Copy forwarded to: -

- 1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
 The District Accounts Officer, Dir Lower.

- 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.

PESHAWAR HIGH COURT, PESHAWAR



NOTIFICATION

Dated Peshawar the 21st July, 2018 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

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 WAJIH-UD-DIN) REGISTRAR

Endst: No. 117)7.57

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.

REGISTRAR

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 27th 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

Versus

District and Sessions Judge etc

(Appellant)

(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.
- 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.
- 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)	Civil Naib Nazir (BPS-05)
	from 01.11.1993 to 29.06.1994	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)	Civil Nazir /Assistant (BPS-11)
	from 29.11.2007 against upgraded	from 23.12.2005 to
	scale i.e BPS-14 on 01.07.2007	i) Scale upgraded to (BPS-14) on
	scale upgraded to BPS-16 on	01.07.2007
	20.05.2014	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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

GROUNDS:

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.

- 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.
- 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.
- 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

Kaleem Ulyah Kung 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	Nomenclat ure of Post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
	Superintende nt 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

II-District Judiciary

Amex-A, to A 2-Establishment of the District Courts... Terms and Conditions of Service

		1 4			
	<u> </u>	1 a	,		post of Superintendent BPS-16.
	2	Senior Scale	i. Bachelor's		0 i. Twenty five percent by initial
		Stenographer		ı / years	
		BPS-15	recognized		
	İ		University and		ii. seventy five percent by
	ļ		speed of 100)	promotion, on the basis of
		ļ	words per	1	seniority-cum-fitness, from
			minute in	1	amongst holders of the C
		1	Shorthand and		amongst holders of the post of
			l'.a .		Stenotypist (BPS-12) with at
			1 .	1	least three years service as
ĺ		ĺ	,	-1	such.
ı	/	. -	typing in	1	
- 1			English.	1.	-
- }			Preference will		1
\cdot			be given to the	1	
- 1		!	candidates	1	1
			having		1 0
-			knowledge of	[.	1.
İ			MS Office.	1	
1	1		ii. In the	1	*
-	- 1		Districts where		1
Ţ			Urdu is the		1
		•	Court		
1	İ				
	ĺ		language,]
1	-		speed of 30		1.
			words per		1
	i		minute in	,	!
ļ	ł		typing in Urdu	•	
\vdash			as well.		
1		Steno typist	i. Intermedi	18 - 30	i. Seventy five percent by initial
1	į.	BPS-12	ate or	years	recruitment; and
			equivalent]
		İ	qualificati .	ļ	
İ	ĺ		on from a		ii: twenty five percent by
1	1		recognize		promotion, on the basis of
ļ	. }	.	d board;		seniority-cum-fitness, from
1			and		amongst holders of the
1	-		ii. a speed of	1	amongst holders of the post of
	-		1[50]	.]	Key Punch Operator (BPS-10)
]				[who possesses the required
		ļ	words per	· 1	qualification as mentioned in
				-	column # 3.
	1	1	minute in		
	Ι.		shorthand and	ĺ	. 1
			35 words per	ł	
	- 1	i	minute in	`	1
	_ _		typing in		
=			<u> </u>		· · · · · · · · · · · · · · · · · · ·

1. Substituted vide Notification No. 130 of Peshawar High Court Dated 6th October, 2004 Judicial Estacode 2011 -

Judicial Estacode 2011

		English.		
1		Preference will		
,		be given to the		
		candidates	i .	
		having		
Ì		knowledge of		
		MS Office.		
		iii. In the		
	İ	Districts		
1		1	Į	
İ		where		
		Urdu is		
		the Court		
	İ	language,		
		speed of	1	
		30 words	1	-
	}	per minute		
		in typing		
1		in Urdu as	1	1 . 1
		well.		
(4)	Assistant/Rea	Bachelor's	18 - 30	i. Twenty five percent by
i	der. BPS-11	Degree from a	years	initial recruitment; and
		recognized		ii: seventy five percent by
	•	University.		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 yeas service as such.
(5)	Assistant/Cle	Bachelor's	18 – 30	i. Twenty five percent by
ログ	rk Of Court	Degree from a	years	initial recruitment; and
	BPS-11	recognized	yours	ii: seventy five percent by
		University.		promotion, on the basis of
		omversity.		seniority-cum-fitness, from
	-			amongst holders of the posts of
			4	Senior Clerks at serial # 10 to
ļ				
1				12 (all BPS-7) with at least
α	Againtaget	Dankala 2	10 20	three yeas service as such.
(9)	Assistant/Ass	Bachelor's	18 – 30	i. Twenty five percent by
	istant Clerk	Degree from a	years	initial recruitment; and.
	of Court	recognized		
	BPS-11	University.		
- 1	Í			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

				Collections of Service	
			l	12 (all BPS-7) with at least	٦
[three yeas service as such.	
-		•		tince year service as such.	
				70 1 (4) 1	┨
12/	Assistant/Acc	Bachelor's	18 – 30	By initial recruitment.	
	ountant BPS-	degree from a	years		İ
	11	recognized			
	,	University.	· •	_ ·	
		Preference will		1	ŀ
		be given to		·	
	•	Bachelor's		,	ŀ
					1
		degree with			
1		Commerce,		·	
!		Economics or		•	
		Mathematics/St			
		atistics as			
.		Special subject.		·	
(8)	Assistant/Civ			By promotion, on the basis of	1
ツ	il Nazir BPS-	,		seniority-cum-fitness, from	ļ
		•		amongst holders of the post of	
	11				1
		*		Junior Clerk/Naib Nazir (BPS-	1
				5), capable of keeping and	ł
	* -			examining accounts in English	
				and Urdu, with five years	
				service as such.	
9	Key Punch	i. Intermediate	18 – 30	By initial recruitment.	1
1	Operator	with	years		
	BPS-10	Statistics/Eco	Joans		ļ
	BP3-10	Q			
		nomics/Math		,	ļ
		ematics/Phys			
		ics as one of		•	
		the subjects;			
		and			
		ii.a minimum			
		speed of ten		·	
		thousand key			
l		operations			
		per hour for			
		punching	İ		
		data			
		entry/verifica			1 -
		tion.		•	
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	1	T		
10	Senior Clerk/ Reader BPS- 7			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:
11	Senior Clerk/Record Keeper BPS- 7			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. 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/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-5) with at least three years service as such: 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.
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II-District Judiciary

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

12	Senior		ļ	`	By promotion, on the basis of
1	Clerk/English		•		seniority-cum-fitness, from
i	Clerk BPS-7				amongst holders of the posts of
					Junior Clerk/Nazir, Junior
1					Clerk/Copyist, Junior
					Clerk/Copy Clerk, Junior
					Clerk/Examiner, Junior
					Clerk/Muharrir and Junior
		ŀ			Clerk/Typist at serial # 13 to 18
			•		
					(all BPS-5) with at least three
		Į			years service as such:
					Provided that a
•					common seniority list
]		;	of the holders of the
1.			•		posts from serial # 13
		,			to 18 below shall be
		•		i	maintained for the
1		•			purpose of promotion
1		ļ	,		to the post of Senior
					Clerk/English Clerk.
L		ļ		10 00	
13	Junior	i.	Secondary	18 30	i. Not less than 70 percent by
	Clerk/Nazir		School	years	initial recruitment; and
	BPS-5		Certificate		ii. not more than 30 percent by
			Examinati		promotion, from amongst
			on or		the holders of the posts of
ŀ			equivalent		Daftari and Record Lifter
			qualificati		with Matric and three years
			on from a		service as such: and in case
		1	recognize		no suitable candidate from
1			d Board.		amongst holders of the posts
İ	1	1	preference		of Daftari and Record Lifter
					is available, then from
			*****		amongst holders of the posts
1			given to		amongst notices of the posts
		ļ.	holders of		of Chowkidar, Naib Qasid,
			additional		Sweeper, Chowkidar-cum-
		ļ	qualificati		Mali, Mali and Water
		1	ons in		Carrier who have passed
	i .		Accounts;		Secondary School
			and		Certificate Examination and
}	1	ii.	a speed of	-	have at least five years
1	· ·	***	30 words		service as such.
1			per minute		Note. For the purpose of
1					promotion, separate common
			in typing		seniority lists of (i) the holders
	1				
					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
14	Junior	i Sacondary	18 – 30	shall be promoted in preference to the senior official.
	Junior Clerk/Copyis t 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.	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
		٠		who have passed
				Secondary School
,				Certificate Examination
				and have at least five years
				service as such.
		·	-	NoteFor 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,
1				Mali and Water Carrier shall be
ļ				maintained with reference to
	1			the date of their acquiring the
				Secondary School Certificate:
				Provided that:
			1	a. if two or more officials
ļ			[have acquired the
				Secondary School
İ .				Certificate in the same
	l .		_	session, the official having
			ł	longer service shall rank
,				senior to other officials:
				and
				b. where a senior official
	, ;			
			'	
				requisite experience at the
	'		· •	time of filling up a
				vacancy, the official next
				junior to him possessing
			-	the requisite experience
		'		shall be promoted in
			i	preference to the senior
'				official.
		<u>, </u>		
15	Junior	i. Secondary	18 – 30	i. Not less than 70 percent
~*	Clerk/Copy	School	years	by initial recruitment; and
	Clerk BPS-5	Certificate	•	
		Examination		ii. not more than 30 percent
		or		by promotion, from
		equivalent		amongst the holders of the
		qualification		posts of Daftari and
	·	from a		Record Lifter with Matric

			I CATHE GIR	a Continuono en Servico
		recognized		and three years service as such; and in case no
		Board; and		such: and in case no suitable candidate from
•		ii. a speed of 30		amongst holders of the
		words per		posts of Daftari and
	-	minute in		Record Lifter is available,
		typing.		then from amongst holders of the posts of Chowkidar,
		٠		Naib Qasid, Sweeper,
				Chowkidar-cum-Mali,
				Mali and Water Carrier
	1			who have passed
				Secondary School
		• "		Certificate Examination
	. <			and have at least five years
				service as such. Note. For the purpose of
			٠.	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,
			م	Sweeper, Chowkidar-cum-Mali,
	•	· .	*	Mali and Water Carrier shall be maintained with reference to
	Í			the date of their acquiring the
		·		Secondary School Certificate:
	- 1			Provided that:
				a. if two or more officials
				have acquired the
		· ·		Secondary School
				Certificate in the same
			.	session, the official having
			İ	longer service shall rank senior to other officials;
	l	1		and
ļ				
		. [İ	b. where a senior official
				does not possess the
ļ		Ì	,	requisite experience at the
ĺ			Ì	time of filling up a
	.			vacancy, the official next junior to him possessing
ļ		·]	-	the requisite experience
ł				shall be promoted in
			ii_	

		T	1	T
			1	preference to the senior
	,	·		official.
				J
	,	·		·
16	Junior	i. Secondary	18 - 30	i. Not less than 70
	Clerk/Exami	School	years	percent by initial recruitment;
	ner BPS-5	Certificate	, 1	and
	2102	Examination or		
		equivalent		ii. not more than 30
				percent by promotion, from
		qualification		amongst the holders of the
		from a		
	-	recognized		posts of Daftari and Record
		Board; and		Lifter with Matric and three
		ii. a speed of 30		years service as such: and in
		words per		case no suitable candidate
		minute in		from amongst holders of the
	·	typing.		posts of Daftari and Record
	ł	· ·		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
ſ	-			
				Examination and have at least
			سيعة	five years service as such.
		,	·"	Note. For the purpose of
l				promotion, separate common
	•			seniority lists of (i) the holders
			Î	of the posts of Daftari and
		·		Record Lifter; and (ii) the
1				holders of the posts of
		-		Chowkidar, Naib Qasid,
	-	`		Sweeper, Chowkidar-cum-Mali,
				Mali and Water Carrier shall be
			,	maintained with reference to
			1	the date of their acquiring the
·			j	Secondary School Certificate:
-	ļ			Provided that: if two or more
- 1	į	,		officials have acquired the
		ļ		Secondary School Certificate in
			ĺ	the same session, the official
	.			having longer service shall rank
İ	Ì	Ì		senior to other officials; and
		·	•	where a senior official-does not
				possess the requisite experience

	,			l
				at the time of filling up a
· ·				vacancy, the official next junior
	1			to him possessing the requisite
	1			experience shall be promoted in
-				preference to the senior official.
	Junior	: Cocondory	18 – 30	i. Not less than 70 percent
17		i. Secondary		by initial recruitment; and
	Clerk/Muharr	School	years	ii. not more than 30 percent
-سد ا	ir/Reader	Certificate		by promotion, from amongst the
-	BPS-5	Examination or		holders of the posts of Daftari and
	1	equivalent	}	
		qualification		Record Lifter with Matric and
		from a		three years service as such: and in
			,	case no suitable candidate from
	,	recognized		amongst holders of the posts of
		Board; and		Daftari and Record Lifter is
	· ·	ii, a speed of 30		available, then from amongst
	•	words per		holders of the posts of
	1.	minute in		Chowkidar, Naib Qasid, Sweeper,
		typing.		Chowkidar-cum-Mali, Mali and
		typing.		Water Carrier who have passed
				Secondary School Certificate
	1	1		Examination and have at least
				five years service as such.
				Note. For the purpose of
	'			promotion, separate common
				seniority lists of (i) the holders of
	1 .			the posts of Daftari and Record
İ				Lifter; and (ii) the holders of the
				posts of Chowkidar, Naib Qasid,
1		· .		Sweeper, Chowkidar-cum-Mali,
				Mali and Water Carrier shall be
	1			maintained with reference to the
				date of their acquiring the
		ļ		Secondary School Certificate:
.	ĺ			Provided that:
	1			• • • • • • • • •
				a. if two or more officials have acquired the Secondary
ŀ	İ			· ·
				School Certificate in the same
				session, the official having longer
				service shall rank senior to other
				officials; and
	1			b. where a senior official
	Į.			does not possess the requisite
	}			experience at the time of filling
1				up a vacancy, the official next
	Ī			junior to him possessing the
				requisite experience shall be
				promoted in preference to the
				senior official.
		,		

18	Junior	i. Secondary	18 - 30	 Not less than 70 percent . 	
	Clerk/Typist	School	years	by initial recruitment; and	
	BPS-5	Certificate	,	ii. not more than 30 percent	
	3.55	Examination or		by promotion, from amongst the	
		equivalent	[holders of the posts of Daftari and	
ĺ				Record Lifter with Matric and	
		qualification		three years service as such: and in	
ļ		from a_		case no suitable candidate from	
		recognized		amongst holders of the posts of	
١.		Board; and		Daftari and Record Lifter is	
		ii. a speed of 30		available, then from amongst	
		words per		holders of the posts of	
1		minute in	,	Chowkidar, Naib Qasid, Sweeper,	
		typing.		Chowkidar-cum-Mali, Mali and	
		Jping.		Water Carrier who have passed	
	· .	}		Secondary School Certificate	
	•			Examination and have at least	
				five years service as such.	
ĺ		1		Note. For the purpose of	
	ĺ			promotion, separate common	
		.		seniority lists of (i) the holders of	
]		•	the posts of Daftari and Record	
	1			Lifter; and (ii) the holders of the	
				posts of Chowkidar, Naib Qasid,	
	ļ			Sweeper, Chowkidar-cum-Mali,	
	ĺ			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	
		f	1	b. where a senior official	
				does not have the requisite service	
	1			at the time of filling up a vacancy,	
	j	}	İ	the official next junior to him	
				having the requisite service and	
				qualification shall be promoted in	
	ĺ		Į	preference to the senior official.	
			[
19	Junior	-			
	Clerk/Naib			By promotion, on the basis of	
	Nazir BPS-5			seniority-cum-fitness, from	
	114211 11 13-3			amongst holders of the posts of	
	į Į		.	Bailiff, who have passed	
	.			Secondary School Certificate	
				Examination, with at least three	

Judicial Estacode 2011

Judicial Estacode 2011

				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.
		. ,		Note. Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring 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.
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	30 45 years	By initial recruitment.
		such.		

II-District Judiciary

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

				The state of the s
21	Daftari		1	By promotion, on the basis of
	BPS-2		j	seniority-cum-fitness, from
	2.0 -		}	amongst holders of the posts of
				Chowkidar, Naib Qasid, Sweeper,
i 1				Chowkidar-cum-Mali, Mali and
			1	Water Carrier (all BPS-1) with at
			1	least two years service as such and
				having passed Middle Standard
(!	examination:
1 1			1	. **
		·		Provided that a common seniority
	,	_		list of holders of the posts at serial
				# 25 to 30 below shall be
۱. ا				maintained for the purpose of
				promotion to the post of Daftari.
<u> </u>				By promotion, on the basis of
22	Record Lifter		}	seniority-cum-fitness, from
	BPS-2			amongst holders of the posts of
				Chowkidar, Naib Qasid, Sweeper,
`		•		Chowkidar, Naio Qasid, Sweeper, Chowkidar-cum-Mali, Mali and
			•	Chowkidar-cum-Mail, Mail and
			1	Water Carrier (all BPS-1) with at
1			-	least two years service as such and
			-	having passed Middle Standard
				examination:
-	-			Provided that a common seniority
		-		list of holders of the posts at serial
				# 25 to 30 below shall be
			`	maintained for the purpose of
			ł	promotion to the post of Daftari.
	1			
0.2	Bailiff BPS-2			By promotion, on the basis of
23	Bailili Br3-2			seniority-cum-fitness, from
		,		amongst holders of the post of
	,	l /	1/	Process Server.
24		Matric	18 - 35	By initial recruitment.
24	Process	Manie	years	-
	Server BPS-1		25 – 40	By initial recruitment.
25	Chowkidar	Preferably		by initial recruitment.
	BPS-I	literate	years	
26	Naib Qasid	Preferably	18 – 40	By initial recruitment.
~~	BPS-1	Literate	years	·
27	Sweeper	Preferably	18 - 40	By initial recruitment.
21		literate	years	
	BPS-1		25 – 40	By initial recruitment.
28	Chowkidar-	Literate		-
-	cum-Mali		years	
1	BPS-1			
29	Mali BPS-1	Preferably	1840	By initial recruitment.
		literate	years_	

OFFICE OF THE DISTRICT & SESSIONS JUDGE, TANK

ORDER

No. 212 /DSJ

Dated Tank the <u>//4</u>/02/2018

The following Provisional Seniority List is issued for information of all concerned. The position of various officers/officials is mentioned it he 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)

District & Sessions Judge, Tank

7

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

 ir.#	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

19

Mr. Sami Illah Junior Clerk

(Aurangzeb)

District & Sessions Judge, Tank

71

Sr. #	Name & Designation of official	Signature
1	Mr. Mashal Khan, Senior Scale Stenographer	Signature
2	Mr. Ali Muhammad, Senior Scale Stenographer	timed
3	Muhammad Tahir, Computer Operator	Atalia
4	Mr. Ibrahim Khalil, Computer Operator	Cass.
5	Mr. Umar Daud, Computer Operator	whood
6	Mr. Ehsan Ullah, Computer Operator	X
7	Mr. Abdullah Khan, Computer Operator	adullah_
8	Muhammad Naeem, Computer Operator	They.
9	Mr. Zahid Khan, Computer Operator	Nas 78 12-18
10	Liaqat Ullah, Civil Nazir/Assistant	14.
11	Muhammad Nawaz, Assistant	1 2 1 1
12	Shahid Hussain, B&AA	Mawa3 21/02/18
13	Mr. Syed Izhar Ahmad Shah, Stenotypist	A 16-2-12
14	Mr. Aziz Ullah, Senior Clerk	B.O
15	Mr. Ghulam Daud, Senior Clerk	, was
16	Mr. Essa Khan, Senior Clerk	Essett olars
17	Muhammad Yar, Senior Clerk	15/04/11
18	Mr. Saif ur Rehman, Junior Clerk	Plant with
19	Mr. Sami Ullah, Junior Clerk	A 1572/18
20	Mr. Gulzar Khan, Junior Clerk	62-
21	Mr. Hamayun Khan, Junior clerk	4 compre
22	Mr. Sana Ullah, Junior Clerk	
23	Mr. Anwar Khan, Junior Clerk	Hansin A
24	Mr. Gul Nawaz, Junior Clerk	Dhi 2 20.2.
25	Mr. Salim Khan, Junior Clerk	Deens n
26	Muhammad Yahya, Junior Clerk	1 John John
27	Mr. Khalid Mehmood, Junior Clerk	Black 102
28	Mr. Farhad Nasir, Junior Clerk	Laib / clr
29	Muhammad Iqbal, Junior Clerk	50m2/ D1.



بخدمت جناب ڏسٽرکٽ اينڈ سيشن جج صاحب ٿانڪ

فِينَانِ عَالَى:

گزارش ہے کہ میں مورخہ 1993-11-01 کوبطور جونیئر کلرک بھرتی ہوا ہوں اور مورخہ 1994-06-30 کو ترقی کر کے سینئرکلرک کی پوسٹ ریکارڈ کیپر تعینات ہوا ہوں اور اس طرح مسلسل اپنی ڈیوٹی بخو بی سرانجام دیتار ہا ہوں اور بھی کسی افسر کوکسی قشم کی شکایت کا موقع نہیں دیا اور اس طرح مورخہ 2007-11-29 کوتر تی پاکسہ اسشنٹ BPS-14 تعینات ہوا اور بطور کلرک آف کورٹ ڈیوٹی سرانجام دیتار ہا ہوں اورسینئرٹی کسٹ میں مورخه 2016-12 تک میں سینئرٹی کسٹ میں دوسرے نمبر پرتھا البتہ ولی بت خان سینئرٹی کسٹ میں نبسرا برتفاجو کہاب ریٹائر ڈ ہو چکا ہے اس لحاظ سے بینئرٹی لسٹ میں نمبر 1 پرمیراحق بنتا ہے لہذا آپ صاحب کے وفتر ہے سینئرٹی لسٹ جاری کیا گیا ہے جس میں Process-Server ایجنسی کا سول ناظر بطور سینئر اہلگار شامل کیا گیاہے جو کہ غیر قانونی اور ملی بھگت کا نتیجہ ہے اس طرح لیافت اللہ سول ناظر مور خد 1994-03-01 کوبطور نائب قاصد بھرتی ہوا اس طرح مورخہ 1994-11-01 کو بیادہ تعینات ہوا اور اپنی ڈیوٹی بطور پیادہ سرانجام ويتار بإن طرح مورخه 1997-01-11 كوتر في ياكر بطور 5-BPS سول نائب ناظر تعينات ہوا اب اس طرح مورخه 2005-12-23 كوتر في ياكرسول ناظر تعينات ہوا جو كه ايك الگ كنگيري / كيڈر ہے اور سينئرسول جے صاحب کے اختیارات میں ہوتا ہے جو کہ جنزل طاف کلرک سیشن جے صاحب کے اختیار میں ہوتا ہے جس نے دوران سروس ایک دن بطور سینئرکلرک اپنی ڈیوٹی سرانجام نہیں دی ہے اگراسکا نام جنرل سٹاف کے کسٹ سے حذف نہیں کیا گیا تو جزل طاف کی سخت حق تلفی ہوگی جو کہ جزل شاف کے بینئر ٹی لسٹ کے زمرے میں نہیں آتی۔

Put up
on file

9/3//8

District & Session Judge

wrank"

الہذااستدعاہے کہ بینئر ٹی لسٹ سال 7-201 کی درنظگی کی جائے۔ ح**روہ میں یہ مرم** محد نو از کلرک آف کورٹ /اسٹنٹ عدالت سینئرسول جج صاحب ٹا نک

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.

- The Record shows that the applicant was promoted to present position on 29/11/2007 whereas the respondent was promoted to present position on 01/07/2007 (vide Consigendum order No. 505/25) 28 4/18
- 6. The application or representation of the applicant, Muhammad Nawas, Assistant is wrong both on factual and legal grounds, hence cannot be accepted. The application stands disposed of, accordingly. The office is directed to intimate the applicant along with a copy of this Order, accordingly.

Announced 27/04/2018

(Aurangzeb)

District and Sessions Judge Tank

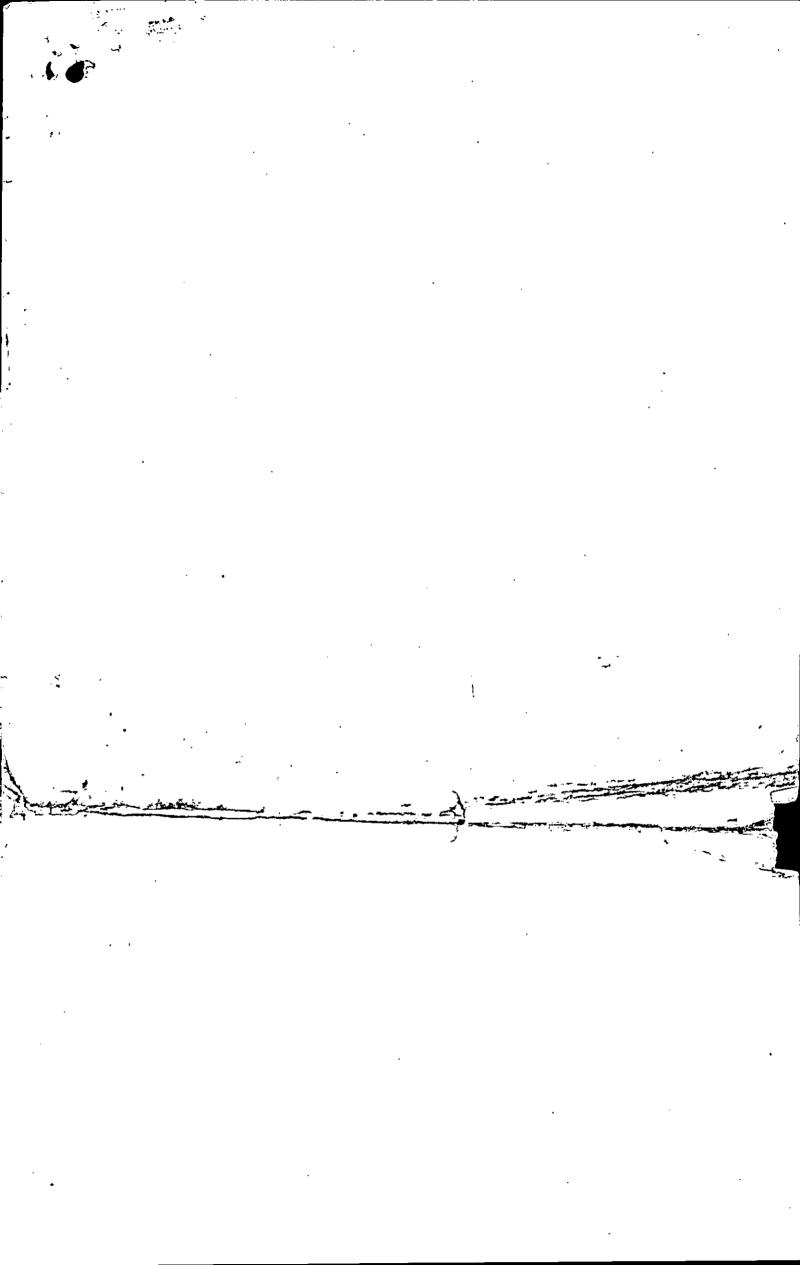
FINAL SENIORITY LIST IN RESPECT OF STENOGRAPHERS (BPS-16) OF THE ESTABLISHMENT OF DISTRICT & SESSIONS JUDGE, TANK AS IT STOOD ON 31:12.2017

Parl Her	st	FORFOT OF ST				ļ				
ا ما ما الما الما الما الما الما الما ا	FINAL SENIORITY LIST IN R	RESPECT OF 31	<u></u>			Date of promotion		Date of attaining	Remarks	
3 /					Date & post of first	THE DECIDITION OF PRODUCT	appointment	superannuation		1
* /		Date of birth	Domicile	Qualification		post	1	(9)	(10)	
/ Sr.#	Name with parentage	Date of Entire		Quantication	16)	(7)	(8)	\ <u> </u>		ì
1		(3)	(4)	. (5)	13.01.2005	26.02.2000	L D	24.06.2038		_]
(1)	(2)	<u> </u>		M.Sc		26.02.2009	<u> </u>			_ ^
- \	Mashal Khan s/o Raza Khan	25.06.1978	Tank		As Junior Clerk		р.	06.07.2037]]
1	Mashat Khali s/O Kaza Kita			F.A	29.06.2006	17.03.2015			1	
\ 	L. /a Said Rehman	07.07.1977	Tank	ļ 	As stenotypist					
1 2	Ali Muhammad s/o Said Rehman		<u> </u>	1		•	1			

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

							Date of promotion	Mode of appointment	Date of attaining superannuation	Remarks	
[-		Name with parentage	Date of birth	Domicile	Qualification	Date & post of first entry in Govt: service	/Induction to the present post	D/P*(8)	(9)	(10)	
	ir.#	(2)	(3)	(4)	(5) B.A	(6) 01.03.1994	23.12.2005	P	03.02.2035		Į
	1	Liaqat Ullah s/o Hamid Ullah	04.02.1975	Tank	B.A	As Process Server 01.11.1993	29.11.2007	Р	31.05.2026	Provisionally	ļ
			01.04.1966	Tank	MBA(B&F)	As Junior Clerk			30.06.2041	included subject to equalization of	
			01.07.1981	Tank		21.12.2010	21.12.2010	D		the basic pay scales.	
	3	Hussain	ļ			<u>.</u>		<u></u>			



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)

District & Sessions Judge, Tank

OFFICE OF THE DISTRICT & SESSIONS JUDGE, TANK

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 accoming > ;

Aurangzeb

District & Sessions Judge, Tank

Reined Nawa 3 28/4/018