

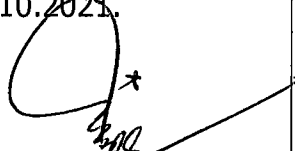


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7080 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/07/2021	<p>The appeal of Mr. Iftikhar Iqbal resubmitted today by Mr. Abdullah Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	03.09.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/09/21</u>.</p> <p> CHAIRMAN</p> <p>Nemo for the appellant present.</p> <p>Notices be issued to the appellant and his counsel. To come up for preliminary hearing before the S.B on 18.10.2021.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

18.10.2021

Appellant in person present.

Former requests for adjournment due to general strike of the Bar. Adjourned. To come up for preliminary hearing before the S.B on 21.12.2021.


(MIAN MUHAMMAD)
MEMBER (E)

21.12.2021

Junior to counsel for appellant present.

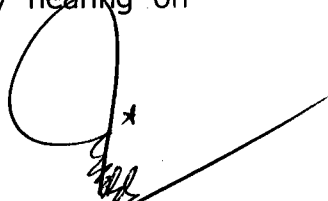
Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 26.01.2022 before S.B.


(Rozina Rehman)
Member (J)

26.01.2022

Appellant alongwith his counsel present.

Mr. Hidayat Ullah Khattak, Advocate submitted fresh Wakalatnama on behalf of the appellant which is placed on file. Learned counsel for the appellant seeks adjournment to prepare the brief. Adjourned. To come up for preliminary hearing on 28.03.2022 before S.B.


(Mian Muhammad)
Member(E)

28.03.2022

Zahoor Islam, Advocate on behalf of counsel for the appellant present.

Former requests for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for preliminary hearing on 01.06.2022 before S.B.

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a checkmark-like flourish.

(MIAN MUHAMMAD)
MEMBER(E)

01st June, 2022

Counsel for the appellant present and submits that the appellant was promoted as Junior Clerk vide order dated 02.12.2020. Aggrieved of the promotion order Sadiq Anwar and Muhammad Hussan two class-IV employees in office of the Deputy Commissioner, Karak filed appeals before the Commissioner, Kohat Division which was allowed and vide order dated 04.02.2021 setting aside the promotion order of the appellant and remitting the matter to the Deputy Commissioner, Karak for reconsidering the promotion case of class-IV as per laid down procedure. Against the said order of Commissioner, the appellant filed appeal before the Senior Member Board of Revenue which was dismissed vide order dated 21.05.2021 and the appellant has filed this appeal on 18.06.2021, which is well within time and admitted for full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 14.07.2022 before S.B.

Rs-700/-
Appellant Deposited
Security & Process Fee

A. J. with
7/7/22

Alongwith the memorandum of appeal, an application for suspension of impugned order dated 21.05.2021 and 04.02.2021 has also been submitted. Notice of this application be also issued to the respondents for the date fixed.



(Kalim Arshad Khan)
Chairman

14.07.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Asif Khan, Assistant and Muhammad Arif Assistant for official respondent No. 1, 2 & 5 present. None present on behalf of private respondent No. 3 & 4.


Written reply/comments on behalf of official respondents as well as private respondents No. 3 & 4 not submitted. Representative of the official respondents seeks time to submit reply/comments. Notices be issued to private respondents No. 3 & 4 for submission of written reply/comments. Adjourned. To come up for written reply/comments before the S.B. 05.08.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

05.08.2022

Appellant alongwith counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Muhammad Arif, Assistant for official respondents present. No one present on behalf of private respondents 3 & 4.

Written reply not submitted. Representative of the respondent department seeks further time to submit written reply on the date fixed. Adjourned. To come up for written reply/comments on 23.09.2022 before S.B.

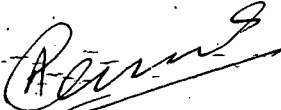

(Fareeha Paul)
Member (E)

The appeal of Mr. Iftikhar Iqbal Naib Qasid D.C Office Karak received today i.e. on 18-06-2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.


- 1- Memorandum of appeal may be got signed by the counsel.
- 2- Law under which appeal is filed is not mentioned.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Appeal has not been flagged/marked with annexures' marks.
- 5- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 6- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 7- Documents referred to in the memo of appeal are not attached with the appeal which may be placed on it.
- 8- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1042 /S.T.

Dt. 18/06 /2021

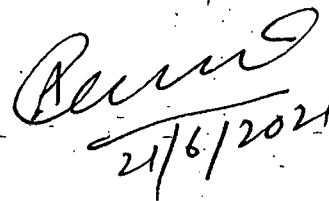


Abdullah Khattak Adv.Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

section 4.
objection
please

Removed, Resubmitted


21/6/2021

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Appeal No. 2080/2021

Iftikhar Iqbal ----- (Appellant)

VS

The Commissioner Kohat and Others ----- (Respondents)

I N D E X

S.No	Description of Documents	Anne x	Pages
1.	Memo of Appeal		01-07
2.	Departmental Appeal/Representation alongwith order dated 21.05.2021	"A"	08-16
3.	Attested copies of Departmental Appeal of respondent No.3 & 4 alongwith order/judgment dated 04.02.2021 and other order sheets	"B"	17-24
4.	Copy of Office order No.4632/DC/EA/DPSC dated 02.12.2020	"C"	25
5.	Copies of minutes of Departmental Promotion/Selection Committee-(DPSC) dated 17.11.2020	"D"	26-29
7	Applications of Class-IV including respondent NO.3 & 4 not willing to get promotion	"E"	30
8	<i>Other documents</i>		31-32
	Wakalatnama		

Appellant:

Through

Abdullah Khattak
Advocate High Court
At Karak (0345-9806686)

Dated _____

(1)

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

Appeal No. _____/2021

Iftikhar Iqbal Naib Qasid, presently promoted to Junior Clerk (BPS-11) Office

Deputy Commissioner Karak, District Karak. ----- (Appellant) **Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 6/612

Dated 18-6-2021

1. The Commissioner Kohat Division Kohat
2. The Deputy Commissioner Karak, District Karak
3. Saqib Anwar, Naib Qasid, Deputy Commissioner Office Karak District Karak.
4. Muhammad Hassan Class-IV, District Accounts Officer Karak
5. SMBR Khyber Pakhtunkhwa Peshawar. ----- (Respondents)

⇔ < = > ⇔ < = > ⇔ < = > ⇔

0/34
APPEAL AGAINST ORDER DATED 21.05.2021 OF WORTHY SMBR-
KHYBER PAKHTUNKHWA NOTIFIED VIDE ORDER
NO.ESTT:II/DA/IFTIKHAR & OTHER/JC/KARAK/12804
WHEREBY THE DEPARTMENTAL APPEAL/REPRESENTATION
OF APPELLANT FILED AGAINST CONSOLIDATED ORDER/
JUDGMENT OF RESPONDENT NO.1 IN APPEAL NO.17/20 & 18/20
DATED 04.02.2021 HAS FILED.

Recd

PRAYER: On Acceptance Of This Appeal, The Impugned Order Dated
21.05.2021 of Worthy SMBR Khyber Pakhtunkhwa Notified
vide order No. Estt:II/DA/Iftikhar & other/JC/Karak/12804 and
Consolidated Order/Judgment dated 04.02.2021 Of Respondent
NO.1 May Kindly Be Declared Null & Void, Ineffective Upon
The Rights Of Appellant And Be Set Aside.

Any Other Remedy Which This Honorable Court Deems
Fit In Circumstances Of The Case May Also Be Granted.

⇔ < = > ⇔ < = > ⇔ < = > ⇔

(Attested copies of impugned order dated 21.05.2021 alongwith Departmental Appeal/Representation is annexure "A", Departmental Appeal of respondent No.3 & 4 alongwith order/judgment dated 04.02.2021 is attached as annexure "B", Office order No.4632/DC/EA/DPSC dated 02.12.2020 is attached as annexure "C" while findings of Departmental Promotion/Selection Committee (DPSC) dated 17.11.2020 is attached as annexure "D")


Filed to-day

Registrar

18/6/2021

Respectfully Sheweth:

1. That appellatant was initially appointed as Naib Qasid in BPS-3.
2. That Departmental Promotion/Selection Committee (DPSC) was constituted and during promotion process, opportunity was given to respondent No.3 & 4 but they remained absent before the DPSC and both of them alongwith other Class-IV were unwilling for promotion which is clearly mentioned in the minutes of DPSC while the appellatant appeared before the DPSC as well as appeared in test and were declared successful.
3. That the respondent No.2 through Departmental Promotion/Selection Committee (DPSC) held on 17.11.2020 promoted the appellatant to Junior Clerk BPS-11 after fulfillment of all the requisite requirements.
4. That respondent No.3 & 4 filed their respective Departmental Appeals before the respondent No.1 which were allowed vide consolidated order/judgment dated 04.02.2021 and order NO.4632/DC/EA/DPSC dated 02.12.2020 was set aside and the case was remanded back to respondent No.2 for reconsidering the promotion of Class-IV as per relevant procedure within one month positively.
5. That feeling aggrieved from the consolidated order/judgment dated 04.02.2021, the appellatant approached worthy SMBR Khyber Pakhtunkhwa Peshawar which was filed vide order No.Estt:II/DA/Iftikhar & other/JC/Karak/12804 dated 21.05.2021.
6. That appellatant is seriously aggrieved from the impugned order No. Estt:II/DA/Iftikhar & other/JC/Karak/12804 dated 21.05.2021 of SMBR Khyber Pakhtunkhwa, hence, presents instant Appeal/Representation before this Honorable Court on the following grounds.



GROUNDS:

- A. That the impugned order dated 21.05.2021 of Worthy SMBR Khyber Pakhtunkhwa and consolidated order/judgment dated 04.02.2021 of learned Commissioner Kohat Division Kohat are against law, facts and record of the case, hence untenable.
- B. That the both the impugned order/judgment dated 04.02.2021 & 21.05.2021 are due to mis-reading and non-reading of the available record.
- C. That no reason is given in the impugned order dated 21.05.2021 for filing of Departmental Appeal/Representation of the appellant but without any logical ground, the said is filed.
- D. That no notice has been issued to appellant by the respondent No.1 which is evident from the order sheets and record and the impugned order/judgment is perverse and ineffective upon the rights of appellant.
- E. That valuable rights of the appellant are involved in the matter but they have been condemned unheard as no notice was issued nor served upon the appellant which was mandatory as per Law.
- F. That the Departmental Promotion/Selection Committee has adopted all the legal formalities as required by the Law and the appellant is rightly promoted to Junior Clerk but the respondent No.3 & 4 have concealed material facts from the Court.
- G. That appellant has fulfilled the criteria as provided by the promotion process, appeared in the test and remained successful while the respondent No.3 & 4 are neither legally fit for the promotion nor they have appeared in the test conducted for promotion by DPSC which was mandatory as they were not willing to get promotion like other Class-IV as evident from written application attached as annexure "E".
- H. That respondents No.3 & 4 willfully remained absent before DPSC and were not willing to get promotion, therefore, they neither appeared in test nor bothered to appear before the DPSC

Revised

and now just to infringe the rights of the appellant have challenged the promotion process.

- I. That no illegality has been committed by DPSC while promoting the appellant but the respondent No.3 & 4 have concealed material facts from the Court while the appellant are condemned unheard which is not permissible in the Law.
- J. That both the impugned orders/judgments suffer from material irregularity and illegality, therefore, warrants interference by this Honorable Court.
- K. That rest of the points would be raised during arguments.

It is, therefore, humbly prayed that On Acceptance Of This Appeal/Representation, The Impugned Order Dated 21.05.2021 of Worthy SMBR Khyber Pakhtunkhwa Notified vide order No. Estt:II/DA/Iftikhar & other/JC/Karak/12804 and Consolidated Order/Judgment dated 04.02.2021 Of Respondent NO.1 May Kindly Be Declared Null & Void, Ineffective Upon The Rights Of Appellant And Be Set Aside.

Any Other Remedy Which This Honorable Court Deems Fit In Circumstances Of The Case May Also Be Granted.

Appellant

Through

Abdullah Khattak
Advocate High Court
At Karak (Mob. No.0345-9806686)

Dated: 21/6/2021

CERTIFICATE:

Certified that, as per instruction of my client no such like Appeal has been filed by the appellant before this honorable Court.

Advocate

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Appeal No. _____/2021

Iftikhar Iqbal ----- (Appellant)

VS

The Commissioner Kohat and Others ----- (Respondents)

AFFIDAVIT

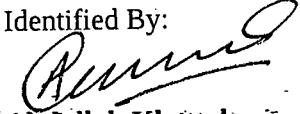
I, **Iftikhar Iqbal** S/o Shams-u-Zaman, R/o Tappi Algadi Karak, Tehsil & District Karak, do hereby declare on oath that contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed herein.

DEPONENT

CNIC NO.14202-9179366-9

Mob NO.0334-7065459

Identified By:



Abdullah Khattak
Advocate High Court
At Karak
Mob. No.0345-9806686

Dated *21/6/2021*

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

Appeal No. _____/2021

Iftikhar Iqbal ----- (Appellant)

VS

The Commissioner Kohat and Others ----- (Respondents)

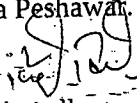
ADDRESSES OF THE PARTIES

PETITIONER:

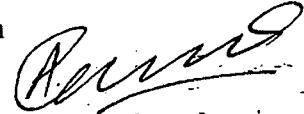
1. Iftikhar Iqbal Naib Qasid, presently promoted to Junior Clerk (BPS-11) Office Deputy Commissioner Karak, District Karak. ----- (Appellant)

RESPONDENTS:

1. The Commissioner Kohat Division Kohat
2. The Deputy Commissioner Karak, District Karak
3. Saqib Anwar, Naib Qasid, Deputy Commissioner Office Karak District Karak. ---
4. Muhammad Hassan Class-IV, District Accounts Officer Karak
5. SMBR Khyber Pakhtunkhwa Peshawar.


Appellant

Through


Abdullah Khattak
Advocate High Court
At Karak (Mob.No.0345-9806686)

Dated: _____

(7)

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

Appeal No. _____/2021

Iftikhar Iqbal -----(Appellant)

VS

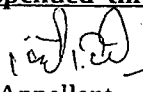
The Commissioner Kohat and Others-----(Respondents)

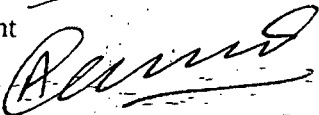
**APPLICATION FOR SUSPENSION OF IMPUGNED ORDER DATED 21.05.2021
OF WORTHY SMBR KHYBER PAKHTUNKHWA AND ORDER/JUDGMENT
DATED 04.02.2021 OF LEARNED COMMISSIONER KOHAT DIVISION KOHAT
TILL FINAL DECISION OF APPEAL.**

Respectfully Sheweth:

1. That the appellant is filing Appeal alongwith the instant application before this Honorable Court.
2. That there is a good prima facie case for acceptance of Appeal.
3. That the facts and grounds of Appeal may kindly be considered as the facts and grounds of the instant application.
4. That if the impugned orders/judgments dated 21.05.2021 & 04.02.2021 are not suspended, the Appeal of the appellant will become infructuous and appellant will suffer irreparable loss.
5. That rest of points will be raised during arguments.

**It is therefore humbly prayed that the impugned order/judgment
dated 21.05.2021 of Worthy SMBR Khyber Pakhtunkhwa and
order/judgment dated 04.02.2021 of learned Commissioner Kohat Division
Kohat May kindly be suspended till final decision of the Departmental
Appeal/Representation.**


Appellant

Through 

**Abdullah Khattak
Advocate High Court
At Karak (0345-9806686)**

Dated _____

(8)

"Annex: A"

IN THE COURT OF SENIOR MEMBER BOARD OF REVENUE (SMBR), PESHAWAR

1208

Departmental Appeal/Representation No. /2021

PC/SMBR
By No. 1208
Date 04/02/2021
Govt. of Khyber Pakhtun Khwa

Iftikhar Iqbal and Other (Petitioners)

VS

The Commissioner Kohat and Others (Respondents)

INDEX

S.No	Description of Documents	Annex	Pages
1	Departmental Appeal/Representation along with certificate, affidavit and application for suspension of impugned order dated 04.02.2021	X	01 to 07
2	Attested copies of Departmental Appeal of respondent No.3 & 4 alongwith order/judgment dated 04.02.2021 and other order-sheets	"A"	08 to 16
3	Copy of Office order No.4632/DC/EA/DPSC dated 02.12.2020	"B"	17
4	Copies of minutes of Departmental Promotion/Selection Committee (DPSC) dated 17.11.2020	"C"	18 to 19
7	Applications of Class-IV including respondent NO.3 & 4 not willing to get promotion	"D"	20 to 21
8	Wakalatnama		

AS-Exec
[Signature]

Seal
4/3

[Signature]

MBR-III
4/3

Petitioner
Through

Attested Advocate High Court
Abdullah

W. H. Khan
4/3/21
S/E Dated

Ans
04/3/2021

Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa

THE COURT OF SENIOR MEMBER BOARD OF REVENUE
(SMBR), PESHAWAR

Departmental Appeal/Representation No. _____ /2021

- 1. Iftikhar Iqbal Naib Qasid, presently promoted to Junior Clerk (BPS-11) Office Deputy Commissioner Karak, District Karak.
- 2. Najm ul-Islam Chowkidar presently promoted to Junior Clerk BPS-11, Officer Deputy Commissioner Karak, District Karak.

(Petitioners)

VERSUS:

- 1. The Commissioner Kohat Division Kohat
- 2. The Deputy Commissioner Karak, District Karak
- 3. Saqib Anwar, Naib Qasid, Deputy Commissioner Office Karak District Karak.
- 4. Muhammad Hassan Class-IV, District Accounts Officer Karak

(Respondents)

Remand

Departmental Appeal/Representation Against - The Consolidated Order/Judgment Of Respondent No.1 In Appeal No.17/20 & 18/20 Dated 04.02.2021 Whereby The Order Bearing No.4632/DC/EA/DPSC Dated 02.12.2020 Is Set Aside And The Case Is Remanded Back To Respondent NO.2 For Reconsidering The Promotions Of Class-IV As Per Prevalent Procedure Within A Period Of One Month.

Attested

PRAYER: On Acceptance Of This Departmental Appeal/Representation, The Consolidated Order/Judgment dated 04.02.2021 Of Respondent NO.1 May Kindly Be Declared Null & Void, Ineffective Upon The Rights Of Petitioners And Be Set Aside.
Any Other Remedy Which This Honorable Court Deems Fit In Circumstances Of The Case May Also Be Granted.

AK
Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa

(Attested copies of Departmental Appeal of respondent No.3 & 4 alongwith order/judgment dated 04.02.2021 is attached as annexure "A", Office order No.4632/DC/EA/DPSC dated 02.12.2020 is attached as annexure "B" while findings of Departmental Promotion/Selection Committee (DPSC) dated 17.11.2020 is attached as annexure "C")

Respectfully Sheweth:

1. That petitioner No-1 was initially appointed as Naib Qasid while petitioner No.2 as Chowkidar in BPS-3.
2. That Departmental Promotion/Selection Committee (DPSC) was constituted and during promotion process, opportunity was given to respondent No.3 & 4 but they remained absent before the DPSC and both of them along with other Class-IV were unwilling for promotion which is clearly mentioned in the minutes of DPSC while the petitioners appeared before the DPSC as well as appeared in test and were declared successful.
3. That the respondent No.2 through Departmental Promotion/Selection Committee (DPSC) held on 17.11.2020 promoted the petitioners to Junior Clerk BPS-11 after fulfillment of all the requisite requirements.
4. That respondent No.3 & 4 filed their respective Departmental Appeals before the respondent No.1 which were allowed vide consolidated order/judgment dated 04.02.2021 and order NO.4632/DC/EA/DPSC dated 02.12.2020 was set aside and the case was remanded back to respondent No.2 for reconsidering the promotion of Class-IV as per relevant procedure within one month positively.
5. That feeling aggrieved from the consolidated order/judgment dated 04.02.2021, the petitioners present instant Departmental Appeal/Representation before this Honorable Court.

Permit

Accepted

[Signature]

Assistant Secretary
Revenue & Estate Deptt.
Khushkhot, Pakhtunkhwa

GROUNDS:

- A. That the impugned consolidated order/judgment dated 04.02.2021 of learned Commissioner Kohat Division Kohat is against law, facts and record of the case, hence untenable.
- B. That the impugned order/judgment dated 04.02.2021 is due to mis-reading and non-reading of the available record.
- C. That no notice has been issued to petitioners by the respondent No.1 which is evident from the order sheets and record and the impugned order/judgment is perverse and ineffective upon the rights of petitioners.
- D. That valuable rights of the petitioners are involved in the matter but they have been condemned unheard as no notice was issued nor served upon the petitioners which was mandatory as per Law.
- E. That the Departmental Promotion/Selection Committee has adopted all the legal formalities as required by the Law and the petitioners are rightly promoted to Junior Clerk but the respondent No.3 & 4 have concealed material facts from the Court.
- F. That petitioners have fulfilled the criteria as provided by the promotion process, appeared in the test and remained successful while the respondent No.3 & 4 are neither legally fit for the promotion nor they have appeared in the test conducted for promotion by DPSC which was mandatory as they were not willing to get promotion like other Class-IV as evident from written application attached as annexure "D".
- G. That respondents No.3 & 4 willfully remained absent before DPSC and were not willing to get promotion, therefore, they neither appeared in test nor bothered to appear before the DPSC and now just to infringe the rights of the petitioners have challenged the promotion process.
- H. That no illegality has been committed by DPSC while promoting the petitioners but the respondent No.3 & 4 have

Review

Attested

Assistant Secretary
Revenue & Estate Deptt
Chamber Pakhtunkhwa

12

concealed material facts from the Court while the petitioners are condemned unheard which is not permissible in the Law.

I. That, the impugned order/judgment suffers from material irregularity and illegality, therefore, warrants interference by this Honorable Court.

J. That rest of the points would be raised during arguments.

It is, therefore, humbly prayed that On Acceptance Of This Departmental Appeal/Representation, The Consolidated Order/Judgment dated 04.02.2021 Of Respondent NO.1 May Kindly Be Declared Null & Void, Ineffective Upon The Rights Of Petitioners And Be Set Aside.

Any Other Remedy Which This Honorable Court Deems Fit In Circumstances Of The Case May Also Be Granted.

[Handwritten signature]

Petitioners

Through

[Handwritten signature]

Abdullah

Advocate High Court

Dated: _____

[Handwritten signature]

Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa

CERTIFICATE:

Certified that, as per instruction of my clients, no such like Departmental Appeal/Representation has been filed by the petitioners before this honorable Court.

[Handwritten signature]

Advocate

IN THE COURT OF SENIOR MEMBER BOARD OF REVENUE
(SMBR), PESHAWAR

Departmental Appeal/Representation No. _____ /2021

Iftikhar Iqbal and Other _____ (Petitioners)

VS

The Commissioner Kohat and Others _____ (Respondents)

ADDRESSES OF THE PARTIES

PETITIONERS:

1. Iftikhar Iqbal Naib Qasid, presently promoted to Junior Clerk (BPS-11) Office Deputy Commissioner Karak, District Karak.
 2. Najm ul Islam Chowkidar, presently promoted To Junior Clerk BPS-11, Officer Deputy Commissioner Karak, District Karak.
- _____ (Petitioners)

VERSUS

RESPONDENTS:

1. The Commissioner Kohat Division Kohat
2. The Deputy Commissioner Karak, District Karak
3. Saqib Anwar, Naib Qasid, Deputy Commissioner Office Karak District Karak.
4. Muhammad Hassan Class-IV, District Accounts Officer Karak.

Petitioners

Through

Advocate

Dated: _____

Assistant Secretary
Revenue & Estate Deptt
Khvher Pakhtunkhwa

8 (14)

IN THE COURT OF SENIOR MEMBER BOARD OF REVENUE (SMBR),
PESHAWAR

Departmental Appeal/Representation No. _____/2021

Iftikhar Iqbal and Other (Petitioners)

VS

The Commissioner Kohat and Others (Respondents)

APPLICATION FOR SUSPENSION OF IMPUGNED ORDER/JUDGMENT
DATED 04.02.2021 OF LEARNED COMMISSIONER KOHAT DIVISION
KOHAT TILL FINAL DECISION OF DEPARTMENTAL
APPEAL/REPRESENTATION.

Respectfully Sheweth:

1. That the petitioners are filing Departmental Appeal/Representation alongwith the instant application before this Honorable Court.
2. That there is a good prima facie case for acceptance of Departmental Appeal/Representation.
3. That the facts and grounds of Departmental Appeal/Representation may kindly be considered as the facts and grounds of the instant application.
4. That if the impugned order/judgment dated 04.02.2021 is not suspended, the Departmental Appeal/Representation of the petitioners will become infructuous and petitioners will suffer irreparable loss.
5. That rest of points will be raised during arguments.

It is therefore humbly prayed that the impugned order/judgment
dated 04.02.2021 of learned Commissioner Kohat Division Kohat
May kindly be suspended till final decision of the Departmental
Appeal/Representation.

[Signature]
Petitioners

Through *[Signature]*
Abdullah
Advocate High Court

[Signature]
Assistant Secretary
Revenue & Estate Dept
Kohat Peshawar

Dated: _____

(13) HUA

IN THE COURT OF SENIOR MEMBER BOARD OF REVENUE,
PESHAWAR.

DEPARTMENTAL APPEAL/REPRESENTATION NO NIL/2021

IFTIKHAR IQBAL AND NAJMUL ISLAM..... APPELLANTS

VS

THE COMMISSIONER KOHAT AND OTHERSRESPTS

Para wise comments are as under:-

1. No comments.
2. Respondents No. 03 and 04 were declared absent vide minutes of DPSC dated 17-11-2020 but it does not mean that they were not unwilling. If they had been unwilling, they would have shown their unwillingness in written form. Conducting test in promotion case is itself unlawful.
3. Incorrect; the appointing authority/respondent No.02 (DC Karak) violated the relevant rules by promoting the present appellants out of turn.
4. Correct.
5. No comments.

GROUNDS

- A. Incorrect. This court order dated 04-02-2021 is lawful and no illegality has been done.
- B. The available record is crystal clear and shows that the appellants are juniors (at sr no 05 and 11 of seniority list) to the respondents (at sr no 03 and 07 of seniority list) and the appellants were promoted out of turn. There does not arise any question of "mis-reading and non-reading" of such a simple case.
- C. The rep of Deputy Commissioner Karak attended the court of Commissioner Kohat and argued the case before the court.
- D. As para C
- E. Incorrect; juniors were promoted while seniors were willfully ignored. Such an illegality cannot go unnoticed.
- F. Incorrect; this court order dated 04-02-2021 is based on law. So far as conducting test in promotion case is concerned, this is something new and is alone sufficient to set aside the impugned order of Deputy Commissioner Karak dated: 02-12-2020.
- G. As explained above vide paras 02.
- H. Respondents No. 03 and 04 were declared absent vide minutes of DPSC dated 17-11-2020 but it does not mean that they were not unwilling.
- I. This court order dated: 04-02-2021 is based on law and no illegality has been done.
- J. No comments.

It is therefore prayed that the appeal/representation having no merit may be dismissed-


Attar

[Signature]

Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa.

COMMISSIONER KOHAT DIVISION,
KOHAT.(RESPONDENT)

116

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
	091-9213989	091-9214208
No: Estt:II/DA/Iftikhar&other/JC/Karak/ 12.BDY		Peshawar Dated the 21/05/2021

To

Mr. Iftikhar Iqbal Naib Qasid and Najmul Islam Chowkidar,
Deputy Commissioner office Karak.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 04.02.2021 PASSED BY THE LEARNED COMMISSIONER KOHAT DIVISION.

With reference to your departmental appeals dated nil have been examined and filed by the Competent Authority.

Received

Najmul-Islam

Najmul-Islam

Dated - 21/05/21


Assistant Secretary (Estt.)

(17)

BEFORE THE COMMISSIONER KOHAT DIVISION KOHAT

Annex "B"

Sadiq Anwar Naib Qasid Deputy Commissioner Office Karak Appellant

VERSUS

1. Deputy Commissioner Karak
2. Najam Ul Islam Chowkidar Deputy Commissioner Office Karak
3. Iftikhar Iqbal Naib Qasid Deputy Commissioner Office Karak.... Respondents

DEPARTMENTAL APPEAL AGAINST THE ORDER OF RESPONDENT
NO.1 BEARING NO. 4632/DC/EA/DPSC DATED: 02-12-2020 WHEREBY
THE RESPONDENTS NO. 2 & 3 JUNIOR MOST CLASS-IV EMPLOYEE
WERE PROMOTED AS JUNIOR CLERK BPS-11 BY RESPONDENT
NO.1.

PRAYER IN DEPARTMENTAL APPEAL:

By acceptance of this Departmental Appeal the impugned Order Bearing No. 4632/DC/EA/DPSC dated: 02-12-2020 may very kindly be set-aside being illegal, against the law, facts and the appellant being senior most may kindly be promoted as Junior Clerk BPS-11.

Respectfully Sheweth.

Facts leading to this departmental appeal are as under:

FACTS:

1. That the appellant is regular Naib Qasid in the office of Respondent No.1 for the last 15/16 years.

Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa

Reader to Commissioner
Kohat Division, Kohat

(2)

2. That few posts of Junior Clerks are laying vacant which required to be filled in amongst the eligible Naib Qasid out of 33% allocated quota.
3. That the Respondent No. 1 convene meeting of departmental promotion/ selection committee on 17-11-2020 and the appellant was shown absent inspite of the facts that the appellant was not called for appearance before DPSC.
4. That the appellant is at serial No.4 in the seniority list of Class-IV employee maintained by the office of the Respondent No. 1 but pertinent to write that most Junior Class-IV employee i.e Serial No. 6 and 13 were illegally promoted as Junior Clerk by the Respondent No. 1. Copy of promotion order, Seniority list and minutes of the DPSC meeting are attached herewith.
5. That being illegal order the appellant is aggrieved from the impugned order hence present the instant of Departmental Appeal with the following grounds amongst others.

GROUND:

- a. That the impugned order is illegal, against the law, facts and Class-IV Government Employee Promotion Policy.
- b. That the appellant is a most senior Naib Qasid in the seniority list while Respondent No.2 and 3 are most junior from the appellant which were illegally promoted as Junior Clerks, resultantly the legal right of the appellant was adversely deprived by the Respondent No.1, therefore, the impugned order is liable to set-aside.
- c. That the DPSC/ Respondent No.1 has committed gross violation of the Government Promotion Policy and the reason given i.e absent is not correct. The appellant is present in the office but no one has called him for appearance before the DPSC.

Assistant Secretary
Revenue & Excise Deptt.
Kohat District Office

Reader to Commissioner
Kohat Division, Kohat

(19)

(3)

- d. That the seniority of the appellant was ignored without any cogent reason therefore, the order of Respondent No. 1 is seems to be based on mala fide intention, hence liable to be set-aside.
- e. That the Counsel for the appellant may please be allowed to argue further legal and factual grounds during the course of arguments.

Therefore, it is very humbly prayed that by acceptance of this Departmental Appeal the impugned order may kindly be set-aside and the appellant being senior most may kindly be promoted as Junior Clerk BPS-11.

Petitioner: **Sadiq Anwar Naib Qasid**

Date: 08/12/2020

Through: **Khazada Khattak**
Advocate Karak

Assistant Secretary
Revenue & Estate Deptt.
Khyber Pakhtunkhwa.

Reader To Commissioner
Kohat Division, Kohat

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[Handwritten mark]

To:- The Commissioner,
Kohat Division, Kohat.

Through - Proper Channel'

Subject:- DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO. 4632/DC/EA/DPSC DATED 02/12/2020 VIDE WHICH MR. IFTIKHAR IQBAL, NAIB QASID HAS BEEN PROMOTED WHO IS JUNIOR FROM APPELLANT AS PER SENIORITY LIST.

Respected Sir,

The appellat submits as under.

1. The appellat Muhammad Hassan and Iftikhar Iqbal are performing their duty against the post of Naik Qasid in the office of Deputy Commissioner, Karak.

2. That the worthy Deputy Commissioner, Karak has prepared seniority list of Class-IV employees in which the appellat has been shown at S. No. 8 while Iftkhar Iqbal has been shown at S. No. 13. (Photocopy of Seniority list is attached).

3. That a meeting of departmental promotion / selection committee (DPSC) was held on 17/11/2020 in the office of Deputy Commissioner, Karak whereby the Seniority list of Class-IV Employees has been mentioned in which the name of appellat has been mentioned at S. No. 7 with the marks "Absent" while the name of Iftikhar Iqbal has been show at S. No. 11 with the remarks "Willing". (Photocopy of minutes of meeting is attached).

That the appellat submitted an application to the worthy Deputy Commissioner, Karak with the request to promote the appellat as the appellat is qualified and fit for promotion vide application dated 23/11/2020.

That the worthy Deputy Commissioner, Karak issued office order No. 4632/DC/EA/DPSC dated 02/12/2020 vide which the Iftar Iqbal has been promoted who is junior from the appellat, therefore, the appellat is aggrieved from the office order mentioned above hence present the following grounds.

Reader

11/12/2020

Attest

[Signature]

Assistant Secretary
Revenue & Estate Deptt
Ghyber Pakhtunkhwa
4.

[Signature]
Reader To Commissioner
Kohat Division, Kohat
5.

Grounds.

- a. The impugned office order is illegal, unlawful and against the law and facts.
- b. That as per seniority list, the appellant is senior from Mr. Iftikhar Iqbal but the worthy Deputy Commissioner, Karak has wrongly and incorrectly mentioned the remarks "Absent" in the minutes of meeting.
- c. That the appellant is regularly and punctually performing his duties in the office of worthy Deputy Commissioner, Karak then the remarks "Absent" mentioned in the minutes of meeting is boned prudent mind.
- d. That the worthy Deputy Commissioner, Karak has unlawfully deprived the appellant from his lawful promotion
- e. That the appellant has been intentionally and deliberately absented whereas there is no provision in the law that one who absent cannot be promoted but for promotion willingness of employee is mandatory, therefore the impugned office order dated 02/12/2020 through which junior has been promoted while the appellant being entitled has been ignored from promotion.
- e. That the appellant has been kept in dark from the whole proceedings of promotion which is against the law and the impugned office order has been issued through back door. *and no notice has been issued to petitioner*

Prayer

So it is, therefore, most humbly and respectfully prayed that on acceptance of the instant departmental appeal, this worthy appellate authority may very graciously be pleased to set aside the impugned office order vide No. 4632/DC/EA/DPSC dated 02/12/2020 as the same is totally illegal, unlawful and against the law & facts and liable to be cancelled.

Further prayed that this worthy appellate authority may very kindly be pleased to promote the appellant to the post of Junior Clerk in light of Seniority list prepared by the worthy Deputy Commissioner, Karak.

Dated 09/12/2020

Muhammad Hassan
Muhammad Hassan
Naib Qasid in office of
Deputy Commissioner, Karak.

Muhammad Hassan
Reader to Commissioner
Karak Division, Karak

Assistant Secretary
Revenue & Estate Deptt
Hyder Pakhtunkhwa

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BEFORE THE COURT OF COMMISSIONER KOHAT DIVISION KOHAT

Departmental Appeal No17/2020

Sadiq Anwar, Naib Qasid DC's Office Karak, Tehsil & District Karak Appellant

VERSUS

Deputy Commissioner Karak Respondent

DEPARTMENTAL APPEAL - AGAINST THE ORDER OF RESPONDENT NO.1
BEARING NO.4632/DC/EA/DPSC DATED 02-12-2020. - WHEREBY THE
RESPONDENT NO. 2 & 3 JUNIOR MOST CLASS-IV EMPLOYEES WERE PROMOTED
AS JUNIOR CLERKS BPS-11 BY RESPONDENT NO.1

Para-wise reply to the internal departmental appeal is as under:-

FACTS:-

1. Correct. Pertains to record.
2. Correct. That the post of Junior Clerk will be filled in by way of promotion on the basis of seniority-cum-fitness from amongst the Qasids and Naib Qasids including holders of other equivalent posts who have passed SSC examination against 33% quota reserved for Class-IV employees.
3. Partially correct. However, the appellant was on earned leave till 23/11/2020. (Copy attached as annexure "A").
4. Partially Correct. That some of the Class-IV employees, as per seniority list namely Mr. Habib-ul-Aziz, S.No.1, Muhammad Riaz, S.No. 2, Muhammad Alam, S.No. 7, Muhammad Nawab S. No. 12, opted to forego their promotion/ seniority and the DPSC agreed to conduct type test/ interview of all eligible Class-IV servants due for promotion to the post of Junior Clerk but the appellant was absent Annex-B.
5. That the DPSC being competent forum for considering promotion of all eligible employees, examined service records and ACRs etc and decide the cases on merit as per policy/ rules.

Grounds:

- a. Incorrect. The office order No. 4632/DC/EA/DPSC dated 02-12-2020 is legal, lawful and according to the rules/ policy.
- b. Partially correct. That as per seniority list, the name of appellant is placed at S. No. 4 while names of respondents No. 2 & 3 are placed at S. No. 6 & 13 respectively.
- c. Incorrect. However, the appellant was on earned leave till 23/11/2020 and was absent from typing Test/ interview schedule for DPSC meeting held on 17-11-2020.
- d. Incorrect. As per Para-C above. However, the DPSC members unanimously agreed and decided that the seniority of the superseded officials will be retained as senior as per their seniority list after promotion to the post of Junior Clerk as evident from DPSC meeting minutes at agenda item No. "d" decisions No. "IV".
- e. No Comments.

Thus keeping in view the above Para-wise comments, the instant departmental appeal may be decided under relevant law/ rules please.

Deputy Commissioner
Karak

Assistant Secretary
Revenue & Estate
Khyber Pakhtunkhwa

Attested
Copying Branch
Karak

23

BEFORE THE COURT OF COMMISSIONER KOHAT DIVISION KOHAT

Departmental Appeal No 18/2020

Muhammad Hassan, Naib Qasid DC's Office Karak, Tehsil & District Karak..... Appellant

VERSUS

Deputy Commissioner Karak..... Responder

DEPARTMENTAL APPEAL AGAINST THE ORDER No. 4632/DC/EA/DPSC DATED 02-12-2020 VIDE WHICH MR. IFTIKHAR IQBAL, NAIB QASID HAS BEEN PROMOTED WHO IS JUNIOR TO APPELLANT AS PER SENIORITY LIST.

Para-wise reply to the internal departmental appeal are as under:-

FACTS:-

1. Correct. Pertains to record.
2. Correct. Pertains to record.
3. Partially correct. However, the DPSC called all the Class-IV eligible for promotion to appear before the committee as laid down in policy but the appellant did not appear before the committee on the date fixed.
4. That DPSC meeting was held on 17-11-2020 while the appellant submitted his application for promotion on 23-11-2020.
5. Incorrect. The DPSC, after conducting typing test and examine the suitability of candidates for promotion as per policy Mr. Iftikhar Iqbal Naib Qasid, recommended him for promotion as per his typing test/ suitability.

Grounds:

- a. Incorrect. The office order No. 4632/DC/EA/DPSC dated 02-12-2020 is legal, lawful and according to the rules/ policy.
- b. Partially correct. However, the appellant was absent from type test / interview before the committee.
- c. Incorrect. The appellant is performing his duty with District Accounts Officer-Karak but he did not appear before the committee for test / interview.
- d. No comments.
- e. The committee agreed to conduct type test / interview of all eligible Class-IV employees due for promotion as Junior Clerk but the appellant was absent on the date fixed.
- f. Incorrect. The appellant was informed on mobile phone by the then Establishment Assistant.

In view of the above Para-wise comments, the instant departmental appeal may be decided under relevant law/ rules please.


Deputy Commissioner
Karak

Attested

Attested
M
Copying Branch Karak
17-2-2021
Examiner

Secretary
and Estate Dept
Dist. Karak

(24) *[Handwritten Signature]*

IN THE COURT OF COMMISSIONER, KOHAT DIVISION KOHAT

Appeals No.17/2020 dated 08-12-2020 and 18/2020 dated 11-12-2020

Sadiq Anwar and Muhammad Hassan N/Qasids DC Office Karak....Appellants
Versus
Deputy Commissioner, Karak and OthersRespondents

APPEALS AGAINST THE ORDER NO 4632/DC/EA/DPSC dated 02-12-2020 of DC Karak

The instant order will dispose off both the appeals No.17/2020 and 18/2020.

Appeals No.17/2020 and 18/2020 were filed respectively by Sadiq Anwar and Muhammad Hassan N/Qasids DC Office, Karak against the order bearing No.4632/DC/EA/DPSC dated 02-12-2020 regarding promotion of Class IV to the post of J/Clerk. The appellants (Sadiq Anwar and Muhammad Hassan) pleaded that the impugned order dated 02-12-2020 was liable to be set aside on the ground that the competent authority had violated the laid down procedure. As per their plea, the respondents, namely Najmul Islam and Iftikhar Iqbal, were promoted out of turn to the post of J/clerk although they were junior to the appellants. Accordingly, notices were issued and record/para-wise comments were requisitioned from DC, Karak.

Appellants present. Counsel for Sadiq Anwar and Rep of DC Karak also present. Arguments heard and record alongwith para-wise comments, perused.

The record shows that the appellants namely Sadiq Anwar and Muhammad Hassan are senior to the respondents namely Najmul Islam and Iftikhar Iqbal respectively. But surprisingly, the Departmental Promotion Committee, in its meeting dated 17-11-2020, recommended the junior officials to be promoted to the post of junior clerk, which is violation of the laid down procedure vide Notification dated 23-10-2015 issued by the Govt of Khyber Pakhtunkhwa.

Keeping in view the above, the **ORDER bearing NO 4632/DC/EA dated 02-12-2020** is set aside and the case is remanded back to Deputy Commissioner Karak for reconsidering the promotion of Class IV as per prevalent procedure within a month positively.

Announced
04-02-2021

[Handwritten Signature]
Reader To Commissioner
Kohat Division Kohat

COMMISSIONER
KOHAT DIVISION KOHAT

[Handwritten Signature]
Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa



OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210825, Fax: 0927-210925 & Email: dckarak.kp@gmail.com

(25) 19

302

OFFICE ORDER:

Dated: 02-12/2020

No. 4632 DC/EA/DPSC. On the recommendation of Departmental Promotion /Selection Committee in its meeting held on 17-11-2020, the following Naib Qasid/Chowkidar (BPS-03) of this office are hereby promoted to the post noted against each on regular basis with immediate effect.

S#	Name:	Promoted as
1.	Mr. Najam -- Ul- Islam , Chowkidar (BPS-03)	Junior Clerk (BPS-11)
2.	Mr. Iftikhar Iqbal, Naib-Qasid (BPS-03)	Junior Clerk (BPS-11)

Annex 'C'

On promotion, they will be on probation for a period of 01 year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Acts, 1973 read with rules 15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules 1989.

Deputy Commissioner
Karak

Endst: of Even No. & Date:

Copy forwarded to:-

1. The Commissioner, Kohat Division Kohat.
2. The Additional Deputy Commissioner (General) Karak.
3. The Additional Deputy Commissioner (F&P) Karak.
4. The Secretary-I, Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar.
5. All the Assistant Commissioners in district Karak.
6. The District Accounts Officer Karak.
7. Officials concerned.

Deputy Commissioner
Karak

Attested
M - B
Copying Branch Karak
Examiner
17-2-2021

Certified to be
True Copy

M - B
Examiner Copying Branch
KARAK
17/02/2021

CD No

1375

Date of application 15-2-2021

Date of preparation 17-2-2021

Date of completion 17-2-2021

Total pages 2011 - 2021

Govt. fee 17/-

Urgent 0/-

Total 17/-

Copy prepared by EA Branch

Compared by Examiner

Attested
Signature

Revenue & E.A.
Khyber Pakhtunkhwa

(26)

**MINUTES OF THE DEPARTMENTAL PROMOTION / SELECTION COMMITTEE (DPSC)
MEETING HELD ON 17-11-2020 AT 12.00 P.M IN THE OFFICE OF THE DEPUTY
COMMISSIONER KARAK.**

(26)

A meeting of Departmental Promotion / Selection Committee was held on 17-11-2020 for the promotion and selection of Ministerial / Class IV Staff in the office of the Deputy Commissioner Karak and appointment of Deceased / Medical Boarded out employees' Children against son quota under the chairmanship of the Deputy Commissioner Karak. The following attended the meeting:-

1. Deputy Commissioner, Karak Chairman
2. Additional Deputy Commissioner (G) Karak..... Member
3. Assistant Commissioner Karak..... Member
4. Rep. of Commissioner Kohat Division Kohat..... Member
5. Establishment Assistant DC's Office Convener

Annex D

The meeting started with the recitation from the Holy Quran. The Chair welcomed all the participants and highlighted the aims and objectives of the meeting. The committee discussed the following agenda items one by one and decision made thereof are as under:-

a). **Promotion of Head/Senior Clerks (BPS-14) to the Post of Assistant (BPS-16).**

The committee was informed that total 04 No of posts of Assistant (BPS-16) are lying vacant due to retirement of Employees on Medical Board and posting out as Tehsildar of the following officials of this office:-

S#	Name	Designation	Date of Retirement	Remarks
1	Mr. Muhammad Khan	Assistant	04-07-2019	Medical Boarded out
2	Mr. Mumtaz Khan	--do--	23-10-2019	Medical Boarded out
3	Mr. Shah Noor	--do--	30-07-2020	Promoted as Tehsildar
4	Mr. Mehboob Ur Rehman	--do--	30-07-2020	Promoted as Tehsildar

According to Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar Service Policy, circulated vide Notification No. 2074/Estt: I/II/135/SSRC dated 23/01/2015 provision at S. No. 3, "that the post of Assistant shall be filled in (a) "75% by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years' service as Junior and Senior Clerk in the office of Deputy Commissioners of district concerned".

As per Seniority list of the Assistants of this office there are 16 posts, out of which 03 Nos. of Assistant have been appointed directly against the post of Assistant while 08 Assistants have been selected/posted by way of promotion from amongst Head/Senior Clerk of this office and 01 Assistant has been transferred/posted from District Surplus Pool maintained in the defunct District Coordination Officer Karak. As such 04 Nos. of Post of Assistant for direct appointees is filled. 04 posts of Assistants are lying vacant, which are to be filled in by way of promotion from amongst Head/Senior Clerk of this office as per policy, being quota of promotes. As per service record of this office, the senior most and eligible Head /Senior Clerks for promotion to the post of Assistant are as under:-

S#	Name	Designation	Length of service
1	Muhammad Rashid	Senior Clerk	34 Years
2	Muhammad Abid	Head Clerk	32 Years
3	Mr. Farid Ud Din	Senior Clerk	31 Years

Decision:

The Departmental Promotion and Selection Committee-(DPSC) perused and checked thoroughly the final seniority list, synopsis and original ACRs of the above officials and unanimously recommended / approved promotion of, Muhammad Rashid, Muhammad Abid and

Attested

Assistant Secretary
Revenue & Estate Dept
Khyber Pakhtunkhwa

Attested

Copying Branch Karak
17-2-2021
Examiner

(127)
Farid Ud Din Senior Clerks (BPS-14) to the post of Assistant (BPS-16) on regular basis against the vacant posts with conditions mentioned against each.

- i. Mr. Muhammad Rashid, Senior Clerk of this office is recommended to be promoted to the post of Assistant on the grounds of seniority. No inquiry is pending against him. Further, his promotion order will be confirmed upon countersigning of his annual ACR for the year-2017 by the then DC Karak.
- ii. Mr. Muhammad Abid, Head Clerk of this office is recommended to be promoted to the post of Assistant on the grounds of seniority. No inquiry is pending against him. Further, his promotion order will be confirmed upon countersigning of his annual ACRs for the year-2017 and 2019 by the then DC Karak.
- iii. Mr. Farid Ud Din, Senior Clerk of this office is recommended to be promoted to the post of Assistant on the grounds of seniority. No inquiry is pending against him. Further, his promotion order will be confirmed upon countersigning of his annual ACR for the year-2017 by the then DC Karak.

b) **Promotion of Junior Clerks to the Post of Senior Clerk (BPS-14).**

Consequent upon the promotion of Head Clerk (BPS-14) and promotion of 02 No of Senior Clerks (BPS-14) to the post of Assistant (BPS-16), 01 No. post of Head Clerk (BPS-14) and 02 Nos post of Senior Clerk (BPS-14) fell vacant. According to Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar, Service Policy circulated vide Notification No. mentioned above provision at S. No. 4, that the post of Head Clerk/Senior Clerk (BPS-14) shall be filled in by way of promotion on the basis of seniority-cum-fitness, amongst the Junior Clerks (BPS-11) of the district concerned with at least two years of service as such. As per seniority list of the Junior Clerks of this office, the senior most and eligible Junior Clerks (BPS-11) for promotion to the post of Head/Senior Clerk (BPS-14) is tabulated below:-

S.No	Name	Designation	Length of Service
1.	Mr. Asad Shabab	Junior Clerk	12 years.
2.	Mr. Shahid Marjan	Junior Clerk	32 years
3.	Mr. Rehmat Ullah	Junior Clerk	27 years

Decision.

The Departmental Promotion and Selection Committee (DPSC) perused and checked thoroughly the final seniority list, synopsis and original ACRs of the above officials and unanimously recommended /approved promotion of the above Junior Clerks against the vacant posts of Head/Senior Clerks (BPS-14) as per detail given below:-

S#	Name	Promoted As
1	Mr. Asad Shabab	Senior Clerk
2	Mr. Shahid Marjan	Senior Clerk
3	Mr. Rehmat Ullah	Head/Senior Clerk

c) **Appointment of deceased /Medical Boarded out Employees' Children against Son Quota and Promotion of Class-IV employees against 33% quota to the post of Junior Clerk.**

Consequent upon the promotion of Junior Clerks (BPS-11) of this office to the vacant posts of Head/Senior Clerks (BPS-14), 03 Nos. of posts of Junior Clerks (BPS-11) fell vacant and the same will be filled in by the following way as per Service policy referred above

- i. To fill 33% Promotion quota, 02 Nos. of Class-IV from amongst the senior most/eligible Class-IV employees as per seniority list maintained shall be promoted to the vacant post of Junior Clerk.

Khyber Pakhtunkhwa
Revenue & Estate Dept
Assistant Secretary

Attested
M
Copying Branch Karak
17-2-2024
Examiner

- (28)
- ii. To fill 67% initial recruitment quota, 01 No. of deceased /Medical Boarded out Employees' Children against Son Quota as per waiting list maintained shall be recruited/appointed.

As per Amendments made in rule 10, sub-rule(4) of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) rules 1989 vide para 2(b) circulated vide Establishment Department, Khyber Pakhtunkhwa Peshawar notification No. SO (R-VI)E&AD/1-3/2015 dated 19/04/2016 "that the Govt. shall appoint children of deceased civil servants who dies in service or is rendered incapacitated or invalidated permanently during service or retired on Medical Board; the appointing authority may appoint one of the children of such civil servant to a post in any of the basic pay scales 03 to 11 in Provincial cadre posts and basic pay scales 03 to 12 in district cadre posts who possess the minimum qualification prescribed for appointment to the post" and Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar, Service Policy circulated vide Notification No. mentioned above provision at S.No. 10:

- i. "that 33% by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids & Naib Qasids including holders of other equivalent posts of the district concerned with two years service as such, who have passed Secondary School Certificate Examination"
- ii. At least second Class Secondary School Certificate or equivalent qualification from a recognized board.
- iii. A speed of 30 words per minute in typing (MS Word).

The committee was informed that 01 No. post of Junior Clerk will be filled in by way of selection from amongst children of civil servants who have got retired on Medical Board and 02 Nos. post of Junior Clerk will be filled in by way of promotion from amongst Class-IV employees against 33% quota. Waiting list of 'medical boarded out employees' Children and Senior most/eligible Class-IV employees as per Seniority list of Class-IV of this officer are given below:-

a. List of Medical Boarded out employees' Children.

S#	Name of Candidate	Date of Birth	Father /Husband Name with Designation	Date of Death /Medical Board out-Retirement	Qualification
1	Maaz Ullah	23/01/1996	Muhammad Khan, Ex-Assistant	03/07/2019	F.A
2	Zafar Ullah	26-01-1988	Shahzad Khan, Ex-SSSG	09-10-2019	Matric
3	Safdar Mumtaz	13-02-1991	Mumtaz-Khan, Ex-Assistant	23-10-2019	BS(Geology)
4	Sonaid Ghani	01-01-2002	Ghani Sarwar, Ex-N/Qasid	04-11-2019	Middle
5	Zakir Ullah	15-02-2000	Ismail Jan, Ex-Driver	21-05-2020	FSC

b. Seniority List of Class-IV Employees

A list of Class-IV Employees of this Office are as under:

S.No.	Name of Employee	Remarks
1. ✓	Habib-ul-Aziz, Naib Qasid	Un-Willing
2.	Muhammad Riaz, Naib Qasid	Un-Willing
3.	Sadiq Anwar Khan, Naib Qasid	Absent (on leave)
4.	Masood Alam, Driver	Non-Eligible being Technical post
5. ✓	Najm Ul Islam, Chowkidar	Eligible
6.	Muhammad Alam N/Qasid	Un-Willing

Attested
 Copying Branch
 202

Assistant Secretary
 Revenue & Estate Dept
 Khyber Pakhtunkhwa

Supervised
 2024

(29)

	Muhammad Hassan N/Qasid	Absent
8.	Muhammad Zahid Chowkidar	Absent
9.	Hazrat Ali N/Qasid	Un-Willing
10.	Muhammad Nawab N/Qasid	Un-Willing
11.	Iftikhar Iqbal N/Qasid	Willing

Decision.

The Departmental Promotion and Selection Committee (DPSC) scrutinize/ perused the documents and determine the suitability of Children of civil servants who have got retired on Medical Board and class-IV employees for promotion to the post of Junior Clerk (BPS-11). The DPSC unanimously recommended the following candidates for appointment/ promotion to the post of Junior Clerk (BPS-11) with condition mentioned against each:

- i. Mr. Maaz Ullah S/o Muhammad Khan R/o Mitha Khel Tehsil and District Karak is recommended to be appointed as Junior Clerk (BPS-11) on regular basis subject to improvement of his Computer Typing Skills within one month.
- ii. Mr. Najam Ul Islam Chowkidar is recommended for promotion to the post of Junior Clerk (BPS-11) on regular basis against 33% reserved quota subject to learning of Computer/typing Skills (MS word) up to minimum speed of 30 words per minute in typing within a month.
- iii. Mr. Iftikhar Iqbal, Naib Qasid is recommended for promotion to the post of Junior Clerk (BPS-11) on regular basis against 33% reserved quota subject to learning of Computer/typing Skills (MS word) up to minimum speed of 30 words per minute in typing within a month.
- iv. Those Class-IV employees superseded will retain their seniority as per their seniority list after promotion to the post of Junior Clerk.

d). Appointment of Mr. Zia Ullah s/o Jannat Shah r/o Shah Qaiser Banda Tehsil Takht-e-Nasrati as class-IV against vacant post of Naib Qasid (BPS-03):

The Committee was informed that Mr. Jannat Shah F/o Muhammad Asif (Ex-Patwari), r/o Shah Qaiser Banda, Tehsil Takht-e-Nasrati District Karak has moved an application for appointment of his son namely Mr. Muhammad Zia Ullah against vacant post of class-IV. The same has been recommended by Hon'ble Chief Minister, Khyber Pakhtunkhwa and received vide Commissioner, Kohat Division Kohat.

Decision.

Since the deceased Patwari is issueless and his father, being the heir of the deceased Patwari namely Muhammad Asif is deserving to avail employees deceased son quota. Therefore, the Committee unanimously recommended the appointment of Mr. Muhammad Zia Ullah s/o Jannat Shah r/o Shah Qaiser Banda, Tehsil Takht-e-Nasrati District Karak against vacant post of Naib Qasid (BPS-03) on regular basis.

Rep: of Commissioner
Kohat Division Kohat

Assistant Commissioner
Karak

Addl: Deputy Commissioner
Karak

(Chairman)
DEPUTY COMMISSIONER
KARAK

Attested
Copying Branch Karak
17-2-2024
Examiner

Attested
Assistant Secretary
Revenue & Estate Deptt.
Khyber Pakhtunkhwa

صاحب ذہنی کمیشن کے نام سے

صاحب ذہنی کمیشن

Annex "E"

Signature
Dr. Khawaja

صاحب عالی

میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

ہو گا کہ میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

صاحب ذہنی کمیشن کے نام سے

میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

میں سائنڈنگ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

Copy of Dr. Khawaja
10-2-2011
Examiner

771
OFFICE

Establishment Asstt
Dr. Khawaja

- 1. عبدالحمید ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں
- 2. صادق الوری ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں
- 3. عزیز اللہ ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں
- 4. محمد عالم ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں
- 5. حنیف العزیز ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں
- 6. محمد حسن ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں
- 7. محمد رفیق ٹیسٹ فور سٹڈیز میں ذہنی عمر میں اضافہ نہیں

14202-1333370-3
14202-1349257
14202-1355888-9
M. Nazam

203-317145-5
14202-5634110
1217745-1

142021-3458001

31

SA

OFFICE OF THE DISTRICT COORDINATION OFFICER, KARAK.

OFFICE ORDER.

Dated Karak the 05/07/2007.

No. 1699/EA-29. The resignation tendered by Mr. Nida-ul-Islam Chowkidar (Fixed Pay) of this office is hereby accepted w.e.f 01.07.2007.

Mr. Najmul Islam S/O Maulana Noor Sahib Gul R/O Aigadi Karak Tehsil & District Karak is hereby appointed as Chowkidar on fixed Pay of Rs-4000/-P.M with immediate effect against the above vacancy under the existing terms & conditions applicable to that category of employees.

APPROVED BY
DISTRICT COORDINATION OFFICER
KARAK

Endst: No. & date of even.

Copy forwarded to the:-

1. Mr. Rahim Hagan APS to Chief Minister NWFP w/r to his recommendations on the original application.
2. District Accounts Officer Karak.
3. Individual concerned.

7/7/07
OFFICE

[Signature]
ACCOUNTS OFFICER
DISTRICT COORDINATION OFFICE
KARAK

checked.
copying Branch Karak
17-2-2011
EXAMINED

[Signature]

Assistant Secretary
Revenue & Estate Dept
Khyber Pakhtunkhwa

ER

12
Karak
2

Before The Service Tribunal Peshawar

اختیار اقبال
بنام
سینئر کوٹاٹ و عمرہ
عنوان مقدمہ
منجانب

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں من رہم اپنی طرف سے واسطے بھروی و جوابدی اور دیگر کل

کاروائی آں کیلئے برائے مقام

مسٹر عبداللہ اولیٰ

کو وکیل مقرر کر کے اختیار دیتے ہیں کہ میری رہماری جانب سے مقدمہ مذکورہ کی بھروی

و جوابدی کرے۔ راضی نامہ کرے۔ فیصلہ ثالثی کرانے کہ فیصلہ کرانے پر حلف منظور

کرے، ہر قسم کی بیان دیوے، ہر قسم کے سوال و جواب کرے۔ عرضی دعویٰ کرے جواب

دعویٰ۔ جواب الجواب۔ عذرات۔ اجیل۔ عمرانی۔ نظر ثانی۔ درخواست ہائے متفرق اور دیگر

ہر قسم کے دستاویزات تحریر و تصدیق کر کے داخل کرے۔ واپس لیوے۔ دست برداری

کرے۔ ترمیم کرے۔ ہر قسم رقم مقدمہ۔ جرمانہ۔ ہر جائیداد داخل اور وصول کرے۔ ہر قسم

دستاویز جو بخدم بھروی ڈکس ہو سرسبز کرے۔ کاروائی۔ ڈگری یکطرفہ منسوخ کرے۔ اجزا

ڈگری کرے۔ زر ڈگری وصول کرے۔ قبضہ جائیداد لیوے دیوے۔ اپنے اہل و عیال و کیت

بہر شریعت قانون برائے جزی یا کل کاروائی مقرر کرے۔ علیحدہ کرے۔ دوران مقدمہ اگر

جرمانہ۔ ہر جائیداد فریق مخالف سے وصول ہو۔ وہ حق وکیل صاحب ہوگا۔ اگر پیشی ایسے مقام پر ہو

جو صدر مقام سے دور ہو تو وکیل صاحب بھروی کے ذمہ دار نہ ہوں گے۔ اس سلسلے میں جملہ

ساختہ و پرداختہ وکیل صاحب موصوف منظور و قبول ہوگا۔ لہذا وکالت نامہ ہذا لکھ چکا کہ سند

رہے۔ نیز وکیل موصوف کو میری جانب سے مقدمہ فوجداری و مال میں بھی نکلان کاغذی کرنے

کا مکمل اختیار بمضمون بالا حاصل ہوگا۔

Accept

Abdullah

۱۶/۲۱

العبد

العبد

العبد

اختیار اقبال
بنام

BEFORE THE COURT OF COMMISSIONER KOHAT DIVISION KOHAT

Departmental Appeal No 17/2020

Sadiq Anwar, Naib Qasid DC's Office Karak, Tehsil & District Karak..... Appellant

VERSUS

Deputy Commissioner Karak..... Respondent

DEPARTMENTAL APPEAL AGAINST THE ORDER OF RESPONDENT NO. BEARING NO.4632/DC/EA/DPSC DATED 02-12-2020, WHEREBY THE RESPONDENT NO. 2 & 3 JUNIOR MOST CLASS-IV EMPLOYEES WERE PROMOTED AS JUNIOR CLERKS BPS-11 BY RESPONDENT NO.1

Para-wise reply to the internal departmental appeal is as under:-

FACTS:-

1. Correct. Pertains to record.
2. Correct. That the post of Junior Clerk will be filled in by way of promotion on the basis of seniority-cum-fitness from amongst the Qasids and Naib Qasids including holders of other equivalent posts who have passed SSC examination against 33% quota reserved for Class-IV employees.
3. Partially correct. However, the appellant was on earned leave till 23/11/2020. (Copy attached as annexure "A").
4. Partially Correct. That some of the Class-IV employees, as per seniority list namely Mr. Habib-ul-Aziz, S.No. 1, Muhammad Riaz, S.No. 2, Muhammad Alam, S.No. 3, Muhammad Nawab S. No. 12, opted to forego their promotion/ seniority and the DC-1 agreed to conduct type test/ interview of all eligible Class-IV servants for promotion to the post of Junior Clerk but the appellant was absent.
5. That the DPSC being competent forum for considering promotion of all eligible employees, examined service records and ACRs etc and decide the cases on merits as per policy/ rules.

Grounds:

- a. Incorrect. The office order No. 4632/DC/EA/DPSC dated 02-12-2020 is legal, lawful and according to the rules/ policy.
- b. Partially correct. That as per seniority list, the name of appellant is placed at S. No. 1 while names of respondents No. 2 & 3 are placed at S. No. 6 & 13 respectively.
- c. Incorrect. However, the appellant was on earned leave till 23/11/2020 and was absent from typing Test/ interview schedule for DPSC meeting held on 17-11-2020.
- d. Incorrect. As per Para-C above. However, the DPSC members unanimously agreed and decided that the seniority of the superseded officials will be retained as per their seniority list after promotion to the post of Junior Clerk as evident from the meeting minutes at agenda item No. "d" decisions No. "IV".
- e. No Comments.

Thus keeping in view the above Para-wise comments, the instant departmental appeal may be decided under relevant law/ rules please.

Deputy Commissioner
Karak

Attended

[Signature]

Secretary
Law & Estate
Khyber Pakhtunkhwa

The Head of the Office or other attesting officer in attestation of Column 1 to 8	of appointment	reasons for promotion, transfer, demotion	The Head of the office or other Attesting officer	duration of leave taken	leave net exceeding 120 days) to which leave salary is debit to another Government		Signature of the Head of the office or other attesting Officer	punishment or censure, reward or praise of the Government servants
					Period	Government to which debit to		
دستخط افسر مجاز	تاریخ انتقال مجازیت	دلیل انتقال ترقی یا برطرفی	دستخط افسر مجاز	رفعت کی زعمیت ومعیاد			دستخط مجاز	سزا تعمیر کا رکورد
	30/11/2014						01-12-14	30-11-2015
	21/12/2015	Promoted as Junior Clerk BPS-11					01-12-15	30-11-2016
							01-12-16	30-11-2018
							01-12-2018	30-11-2019

1-2021
 BPS-11
 3389
 02/12/2020

The official has been promoted from Waib Qasid (BPS-03) to the post of Junior Clerk (BPS-11) vide DC Kanak order No. 4632/DC/EA/DPSC dated 02/12/2020.

main report

صاحب دیوبند کے لیے

23/11/2020

میں نے اس کے بارے میں جاننا چاہا ہے کہ
کیا اس کے ساتھ کوئی اور شخص بھی
ملوث ہے۔

میں نے اس کے بارے میں جاننا چاہا ہے کہ
کیا اس کے ساتھ کوئی اور شخص بھی
ملوث ہے۔

میں نے اس کے بارے میں جاننا چاہا ہے کہ
کیا اس کے ساتھ کوئی اور شخص بھی
ملوث ہے۔

میں نے اس کے بارے میں جاننا چاہا ہے کہ
کیا اس کے ساتھ کوئی اور شخص بھی
ملوث ہے۔

Copy to
10-2-2021
Examiner

OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210825, Fax: 0927-210925, Email: dc@karak.gov.pk

Dated: 04/01/2021

ORDER:

_____/DC/EA/Posting. The services of following ministerial staff of DC's office is placed at Revenue Record Cell established in District Judiciary / Civil Courts Karak under the supervision of Senior Civil Judge (Admin), District Judiciary Karak as discussed in the meeting held on 24/11/2020 with immediate effect in the interest of public service.

Name & Designation	From	To
Mr. Farid-ud-Din, Assistant	Newly Promoted	Report to Senior Civil Judge (Admin), District Judiciary Karak.
Mr. Iftikhar Iqbal, Junior Clerk	Newly Promoted	--do--

Both the above officials are directed to report to Senior Civil Judge (Admin) District Judiciary Karak forthwith.

Approved by
**DEPUTY COMMISSIONER
KARAK**

Copy forwarded to:-

1. The District & Session Judge, District Judiciary Karak.
2. The Additional Deputy Commissioner (General)/(F&P) Karak.
3. The Senior Civil Judge (Admin) District Judiciary Karak.
4. The Assistant Commissioner Karak.
5. The Superintendent, Local Office.
6. Officials concerned for compliance.


**ADDL: DEPUTY COMMISSIONER
KARAK**

17
29/12

Annex (B)



OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210825, Fax: 0927-210925 & Email: dckarak.kp@gmail.com

OFFICE ORDER:

Dated: 02-12-2020

No. 4632/DC/EA/DPSC. On the recommendation of Departmental Promotion /Selection Committee in its meeting held on 17-11-2020, the following Naib Qasid/Chowkidar (BPS-03) of this office are hereby promoted to the post noted against each on regular basis with immediate effect.

S#	Name	Promoted as
1	Mr. Najam – Ul- Islam , Chowkidar (BPS-03)	Junior Clerk (BPS-11)
2	Mr. Iftikhar Iqbal, Naib Qasid (BPS-03)	Junior Clerk (BPS-11)

On promotion, they will be on probation for a period of 01 year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Acts, 1973 read with rules 15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules 1989.

Deputy Commissioner
Karak

Endst: of Even No. & Date:

Copy forwarded to:-

1. The Commissioner, Kohat Division Kohat.
2. The Additional Deputy Commissioner (General) Karak.
3. The Additional Deputy Commissioner (F&P) Karak.
4. The Secretary-I, Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar.
5. All the Assistant Commissioners in district Karak.
6. The District Accounts Officer Karak.
7. Officials concerned.

Deputy Commissioner
Karak

Copy sent to Karak
10/2/2021
Examiner

10-2-2024
 Copying Department
 KARAK

DEPUTY COMMISSIONER
 KARAK
 (Chairman)

Rep: of Commissioner
 Kohat Division Kohat

Addr: Deputy Commissioner
 Karak

Assistant Commissioner
 Karak

vacant post of Naib Qasid (BPS-03) on regular basis.
 Ullah s/o Janiat Shah r/o Shah Qaisar Banda, Tehsil Takht-e-Nasrati District Karak against
 Therefore, the Committee unanimously recommended the appointment of Mr. Muhammad Zia
 Patwari namely Muhammad Asif is deserving to avail employees deceased son quota.
 Since the deceased Patwari is issueless and his father, being the heir of the deceased

Decision:
 vide Commissioner, Kohat Division Kohat.
 same has been recommended by Hon'ble Chief Minister, Khyber Pakhtunkhwa and received
 appointment of his son namely Mr. Muhammad Zia Ullah against vacant post of class-IV. The
 Shah Qaisar Banda, Tehsil Takht-e-Nasrati District Karak has moved an application for
 The Committee was informed that Mr. Jannat Shah F/o Muhammad Asif (Ex-Patwari), r/o
 e-Nasrati as class-IV against vacant post of Naib Qasid (BPS-03).

d) Appointment of Mr. Zia Ullah s/o Jannat Shah r/o Shah Qaisar Banda Tehsil Takht-

seniority list after promotion to the post of Junior Clerk.
 Those Class-IV employees superseded will retain their seniority as per their
 minute in typing within a month.
 of Computer/typing Skills (MS word) up to minimum speed of 30 words per
 Clerk (BPS-11) on regular basis against 33% reserved quota subject to learning
 Mr. Iftikhar Iqbal, Naib Qasid is recommended for promotion to the post of Junior
 in typing within a month.
 of Computer/typing Skills (MS word) up to minimum speed of 30 words per minute
 Clerk (BPS-11) on regular basis against 33% reserved quota subject to learning
 Mr. Najam Ul Islam Chowkidar is recommended for promotion to the post of Junior
 to improvement of his Computer Typing Skills within one month.
 Mr. Maaz Ullah S/o Muhammad Khan R/o Atha Khet Tehsil and District Karak is
 recommended to be appointed as Junior Clerk (BPS-11) on regular basis subject
 post of Junior Clerk (BPS-11) with condition mentioned against each.
 DPSC unanimously recommended the following candidates for appointment/promotion to the
 Medical Board and class-IV employees for promotion to the post of Junior Clerk (BPS-11). The

The Departmental Promotion and Selection Committee (DPSC) scrutinize/perused the
 documents and determine the suitability of children of civil servants who have got retired on

7	Muhammad Hassan N/Qasid	Absent
8	Muhammad Zahid Chowkidar	Un-Willing
9	Hazrat Ali N/Qasid	Un-Willing
10	Muhammad Nawab N/Qasid	Willing
11	Iftikhar Iqbal N/Qasid	Willing

10-2-2024
 10-2-2024
 10-2-2024
 1358

IN THE COURT OF COMMISSIONER, KOHAT DIVISION KOHAT

Appeals No.17/2020 dated 08-12-2020 and 18/2020 dated 11-12-2020

Sadiq Anwar and Muhammad Hassan N/Qasids DC Office Karak....Appellants

Versus

Deputy Commissioner, Karak and OthersRespondents

APPEALS AGAINST THE ORDER NO 4632/DC/EA/DPSC dated 02-12-2020 of DC Karak

The instant order will dispose off both the appeals No.17/2020 and 18/2020.

Appeals No.17/2020 and 18/2020 were filed respectively by Sadiq Anwar and Muhammad Hassan N/Qasids DC Office, Karak against the order bearing No.4632/DC/EA/DPSC dated 02-12-2020 regarding promotion of Class IV to the post of J/Clerk. The appellants (Sadiq Anwar and Muhammad Hassan) pleaded that the impugned order dated 02-12-2020 was liable to be set aside on the ground that the competent authority had violated the laid down procedure. As per their plea, the respondents, namely Najmul Islam and Iftikhar Iqbal, were promoted out of turn to the post of J/clerk although they were junior to the appellants. Accordingly, notices were issued and record/para-wise comments were requisitioned from DC, Karak.

Appellants present. Counsel for Sadiq Anwar and Rep of DC Karak also present. Arguments heard and record-alongwith para-wise comments, perused.

The record shows that the appellants namely Sadiq Anwar and Muhammad Hassan are senior to the respondents namely Najmul Islam and Iftikhar Iqbal respectively. But surprisingly, the Departmental Promotion Committee, in its meeting dated 17-11-2020, recommended the junior officials to be promoted to the post of junior clerk, which is violation of the laid down procedure vide Notification dated 23-10-2015 issued by the Govt of Khyber Pakhtunkhwa.

Keeping in view the above, the ORDER bearing NO 4632/DC/EA dated 02-12-2020 is set aside and the case is remanded back to Deputy Commissioner Karak for reconsidering the promotion of Class IV as per prevalent procedure within a month positively.

Announced
04-02-2021

COMMISSIONER
KOHAT DIVISION KOHAT

Reader To Commissioner
Kohat Division, Kohat

Total Sanctioned posts of Assistant	75% quota	25% quota
16	$16 \times 75/100 = 12$	$16 \times 25/100 = 04$

Among the existing filled post of Assistants (BPS-16), four (04) posts of Assistant are filled in through direct appointment while eight (08) posts are filled in by promotion from amongst the Senior Clerks (BPS-14). The remaining three (03) vacant posts of Assistant (BPS-16) now required to be filled in by promotion from among the Senior Clerks (BPS-14).

As per this office record, the following panel of senior most eligible Senior/Head Clerks (BPS-14) is as under:-

S#	Name of employee	Designation	Length of service
1	Mr. Asad Shabab	Senior + Junior Clerk	12 Years
2	Mr. Shahid Marjan	Senior + Junior Clerk	32 Years
3	Mr. Rahmat Ullah	Senior + Junior Clerk	27 Years

The committee perused the services record i.e Annual confidential reports / synopsis etc placed for promotion and unanimously approved / recommended the promotion of Mr. Asad Shabab, Mr Shahid Marjan & Rahmat Ullah from Senior /Head Clerk (BPS-14) against vacant post of Assistant (BPS-16) on regular basis.

3. Promotion of Junior Clerk to the post of Head /Senior Clerk (BPS-14).

Consequent upon the promotion of Head/ Senior Clerks (BPS-14) to the post of Assistant (BPS-16), 01 No post of Head Clerk (BPS-14) and 02 No posts of Senior Clerks (BPS-14) have fallen vacant. As per policy, the post of the post of Head Clerk/Senior Clerk (PS-14) shall be filled by promotion from amongst the senior most Junior Clerks. According to S. No. 4 of Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa policy circulated vide Notification mentioned above, the post of Head Clerk (BPS-14) shall be filled in by way of posting by transfer from amongst the Senior Clerk (BPS-14) and, S. No. 6 of the ibid notification, the post of Senior Clerk (BPS-14) shall be filled in by way of promotion "on the basis of seniority-cum-fitness from amongst the Junior Clerks of the district concerned having at least two year service as such". The following panel of Junior Clerks (BPS-11) for promotion to the post of Head/Senior Clerk (BPS-14) is tabulated below:-

S#	Name	Designation	Service as Junior Clerk	Length of service
1	Mr. Ikram Ullah	Junior Clerk	05 Years	17 Years
2	Muhammad Mustafa	Junior Clerk	04 Years	04 Years
3	Mr. Zahid Ullah	Junior Clerk	04 Years	04 Years

The committee perused services record i.e Annual confidential reports / synopsis etc of the officials placed for promotion and unanimously approved / recommended the promotion of Mr. Ikram Ullah (Senior Clerk- BPS-14), Mr. Muhammad Mustafa (Senior Clerk- BPS-14) and Mr. Zahid Ullah (Head Clerk-BPS-14) against vacant post from the post of Junior Clerk (BPS-11) on regular basis.

Attested
 Copying Branch
 21-4-2021

3.

A. Appointment against deceased Son/Medical Boarded out Employees quota.

Consequent upon the promotion of 03 Junior Clerks (BPS-11) to the post of Senior /Head Clerk (BPS-14), 03 No posts of Junior Clerk (BPS-11) become fallen vacant. As per Establishment Department, Khyber Pakhtunkhwa Peshawar notification No. SO (R-VI) E&AD/4-3/2015 dated 19/04/2016, the Govt. shall appoint children of deceased civil servants who dies in service or is rendered incapacitated or invalidated permanently during service or retired on Medical Board, the appointing authority may appoint one of the children of such civil servants to a post from BPS-03 to BPS-11 in Provincial cadre post and BPS-03 to BPS-12 in District cadre posts who possess the minimum qualification prescribed for appointment in the post.

As per waiting list, the following 05 candidates being children of Deceased/Medical boarded out Civil Servants who died in service and rendered incapacitated or invalidated permanently during service or retired on Medical Board have submitted applications for appointment against the vacant post of Junior Clerk (BPS-11):-

S#	Name of candidate	Age	Father /Husband Name with Designation	Date of Death /Medical Board out-Retirement	Qualification
1	Zafar Ullah	26-01-1988	Shahzad Khan, Ex-SSStenographer (BPS-16)	09-10-2019	F.A
2	Azhar Mumtaz	30-03-1999	Mumtaz Khan, Ex-Assistant	23-10-2019	F. Sc
3	Sunaid Ghani	01-01-2002	Ghani Sarwar, Ex-Naib Qasid	04-11-2019	Middle
4	Osama Feroz	10-03-2002	Feroz Khan, Ex Junior Clerk	31-12-2019	F. Sc
5	Zakir Ullah	15-02-2000	Muhammad Ismail, Ex-Driver	21-05-2020	F.A

The committee decided to call upon Mr. Azhar Mumtaz S/o Mumtaz Khan Ex-Assistant and he personally appeared before the committee and confessed/agreed that his application for appointment may not be entertained / considered in the instant DPSC till the completion of his higher Education. The committee accept and agreed that he will be placed on waiting list in the subject quota for appointment in due course of time.

The committee perused prescribed qualification and scrutinized the documents as required for appointment as Junior Clerk and unanimously approved /recommended Mr. Zafar Ullah s/o Shahzad Khan R/o Moh: Shah Noor Khel Tehsil & Distt: Karak with relaxation of upper age limit and Osama Feroz S/o Feroz Khan R/o Surdag Tehsil & Distt: Karak against vacant post of Junior Clerk (BPS-11) on regular basis.

Attested
Copying Branch Karak
Examiner
21-4-2021

B. Promotion of Naib Qasid to the post of Junior Clerk against 33% quota.

Consequent upon the promotion of Junior Clerk (BPS-11) to the post of Senior Clerk (BSP-14), the remaining 03 vacant posts of Junior Clerk (BPS-11) which will be filled by way of promotion from amongst matriculate Qasid and Naib Qasid against 33% quota reserved for Class-IV, as per Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa, Peshawar notification No: 2074/Estt-1/11/135/SSRC dated 23/01/2015.

Now the remaining 03 posts of Junior Clerk are required to be filled in by promotion from amongst the Qasids and Naib Qasids as per policy. The following panel of the following 03 Naib Qasids of this office as per seniority list is annexed to scrutinized and determine the suitability of candidates for promotion as Junior Clerk (BPS-11) against 33% reserved quota for promotion.

S #	Name of Employee	Date of appointment	Length of service	Qualification
1	Habib Ullah Aziz	14-04-1992	28 Years	Matric
2	Muhammad Riaz	03-09-1995	21 Years	Matric
3	Sadiq Anwar	23-02-2004	17 Years	Matric

One Mr. Muhammad Riaz Naib Qasid (BPS-03) placed at S. No. 2 in Seniority of Class-IV issued by this office appeared before the committee and submitted his written statement to forgo his seniority for promotion to the post of Junior Clerk (BPS-11). The committee accept his application.

The committee perused and checked thoroughly the seniority list of Class-IV employees and unanimously approved /recommended the promotion of Habib-ul-Aziz Naib Qasid (BPS-03) to the vacant post of Junior Clerk (BPS-11) on regular basis and further decided that the remaining 02 posts of Junior Clerks will be remained vacant till the decision of the case filed in the court of Senior Member Board of Revenue Khyber Pakhtunkhwa by Mr. Najm-ul-Islam Chowkidar and Mr. Iftikhar Iqbal Naib Qasid.

C. Appointment of Naib Qasid against the Medical Boarded out employee son quota.

Consequent upon promotion of Naib Qasid (BPS-03) to the post of Junior Clerk (BPS-11), one post of Naib Qasid become vacant for which one Mr. Sunaid Ghani has applied for appointment as Naib Qasid against the subject quota as per policy mentioned above in Para-3.(A).

The Departmental Promotion and Selection Committee (DPSC) perused and check the suitability of Mr. Sunaid Ghani S/o Ghani Sarwar ex-Naib Qasid of this office and unanimously approved /recommended him for appointment as Naib Qasid (BPS-03) on regular basis.

5/1
Rep: of Commissioner
Kohat Division Kohat
(Member)

Assistant Commissioner
Karak
(Member)
Chairman


ADD: Deputy Commissioner
Karak
(Member)

Witnessed
21-4-2024
Karak

DEPUTY COMMISSIONER
KARAK

CD No 1610
Date of application 21-4-2024
Date of preparation 21-4-2024
Date of completion 21-4-2024
Total pages 254
Court fee 6/-
Urgent fee 1/-

Certified to be
True Copy

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.
091-9213989	091-9214208
No. Estt:II/Deptt/Appeal/Iftikhar Iqbal/ <u>6635</u>	Peshawar Dated the <u>10</u> /03/2021

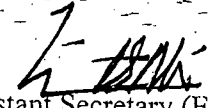
To

The Commissioner,
Kohat Division Kohat.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER
04.02.2021 PASSED BY THE LEARNED COMMISSIONER KOHAT
DIVISION.

Dear Sir,

I am directed to enclose copy of Departmental Appeal submitted by
Mr: Iftikhar Iqbal Ex-Junior Clerk BPS-11 office of the Deputy Commissioner Karak with the
request to provide parawise comments within a week time positively for perusal of Competent
Authority please.

o/c 
Assistant Secretary (Estt)

No. Estt:II/Deptt/Appeal/Iftikhar Iqbal/ 6636




Copy forwarded to the Deputy Commissioner Karak for similar necessary
action please.

o/c 
Assistant Secretary (Estt)

**OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT**

Ph: 0922-9260001-3
0922-9260232

Fax: 0922-9260105
0922-9260385

 Commissioner Kohat Division, Kohat  commissionerkht  commissionerkohat@gmail.com

No. 589 /Cmr-Kt

Dated Kohat 01-04 2021

To

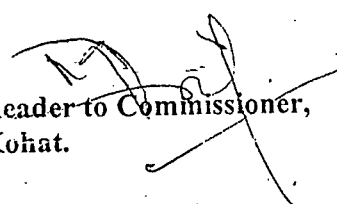
The Assistant Secretary (Estt),
Board of Revenue,
Peshawar.


General Encl
No. 1223
Date 5-4-21
Revenue & Estate
Khyber Pakhtunkhwa

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER
DATED: 04-02-2021 PASSED BY THE LEARNED COMMISSIONER
KOHAT DIVISION.**

Memo:

I am directed to refer to the above noted subject and to enclose herewith the requisite para wise comments duly signed by the Commissioner Kohat, please.


Reader to Commissioner,
Kohat.

Attested

Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa

Attested

Assistant Secretary
Revenue & Estate Deptt
Khyber Pakhtunkhwa

7/4/21
S/E
05-4-21
Asst

OFFICE OF THE DEPUTY COMMISSIONER KARAK

Phone: 0927-210825, Fax: 0927-210825 & Email: gkarak.kp@com44.com

Dated: 17-02 /2021

OFFICE ORDER:-

No. 718 /DC/EA/DPSC In compliance with the Court Order of Commissioner Kohat Division Kohat in Service Appeals No. 17/2020 and 18/2020, Mr. Sadiq Anwar Khan and Muhammad Hassan vs Deputy Commissioner Karak promotion order in respect of above named Class-IV servants issued vide this office order No. 4632/DC/EA/DPSC dated 02/12/2020 is hereby cancelled from the date of judgment dated i.e. 04/02/2021.

In view of the above, both the Class-IV namely Najm-ul-Islam Chowkidar and Iftikhar Iqbal Naib Qasid, are hereby reverted to their original posts mentioned against their name.

g/c
DEPUTY COMMISSIONER
KARAK

Endst: of even No. & date:-

- Copy forwarded for information to the:-
1. Commissioner Kohat Division Kohat.
 2. Additional Deputy Commissioner (General), Karak.
 3. Additional Deputy Commissioner (F&P), Karak.
 4. Secretary-I, Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
 5. All the Assistant Commissioners in district Karak.
 6. Superintendent, DC Office.
 7. Officials concerned for compliance.

g/c
DEPUTY COMMISSIONER
KARAK

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

Appeal No. 7080 of 20 21

Shikhan Iqbal Appellant/Petitioner

Commissioner Versus Rohat Respondent

Respondent No. (5)

Notice to:

SMBR Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 07

Day of July 20 22

For Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

B

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

28

7080

21 of 20

Appel No

Appellant/Petitioner

Office of the
Registrar

Respondent

Commissioner
Kohat

(2)

Respondent No

2MBR
Peshawar

Notice to:

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa
Tribunal Act, 1974, has been presented and registered for consideration in
the above case by the petitioner in this Court and notice has been ordered to issue. You are
hereby informed that the said appeal/petition is fixed for hearing before the Tribunal
on at 8.00 A.M. If you wish to urge anything against the
appeal/petition, you are at liberty to do so on the date fixed, or any other day to which
the case may be postponed either in person or by a duly authorized representative or by any
Advocate duly appearing by your power of Attorney. Your attention is drawn to the fact that in
this Court at least seven days before the date of hearing a copy of written statement
along with any other documents upon which you rely, shall be filed. You are also take notice that in
default of your appearance on the date fixed and in the manner aforementioned, the
appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be
given to you by registered post. You should inform the Registrar of any change in your
address. If you fail to furnish such address your address contained in this notice which the
address given in the appeal/petition will be deemed to be your correct address, and further
notice posted to this address by registered post will be deemed sufficient for the purpose of
this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this
Office Notice No. dated

28

Given and the seal of this Court at Peshawar this

21

July

For Registrar

Registrar

Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

BEFORE THE WORTHY CHAIRMAN KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR

Put up to the ^{Worthy} chair-man
with relevant appeal.

In the matter of
S.A No. 7020 /2021



617122.

Iftikhar Iqbal.....Appellant

V E R S U S

SMBR & others.....Respondents

**APPLICATION FOR GRANTING PERMISSION
TO THE APPLICANT TO DEPOSIT THE
SECURITY MONEY/AMOUNT AFTER THE
LAPSE OF 10 DAYS PERIOD**

Respectfully Sheweth:

1. That on 01.06.2022, this Hon'ble Tribunal admitted the captioned appeal to regular hearing with the direction to appellant to deposit security money within 10 days and issued notices to respondents.
2. That cleric of counsel inadvertently deposited the security money in another appeal with the impression that this security has been deposited in the captioned appeal.

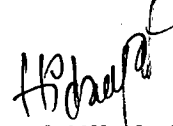
No further extension
Be deposited
Today
07/07/2022

3. That on 28.06.2022, the office of this Hon'ble Tribunal did not issue notice to respondents on the ground that the security amount has not been deposited within due time.

It is therefore most humbly requested that a permission may please be granted to deposit the security in the captioned appeal.

Appellant

Through



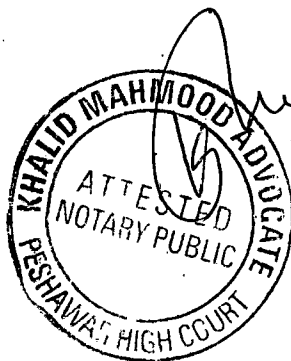
Hidayat Ullah Khattak

Advocate High Court

Dated 05.07.2021

AFFIDAVIT

I, Hidayatullah Khattak Advocate High Court, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

1030

30

APPEAL No. *1030* of 20 *22*

Ghikhar Iqbal

Appellant/Petitioner

Versus

Commissioner Kohat Division

RESPONDENT(S)

Respondent B2. Saqib Anwar, Naib Qasid

Notice to Appellant/Petitioner

Deputy Commissioner Office Kook

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *23/09/2022* at *9:00am*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *Recd*

7000

SP

20

APPEAL No..... of 20 .

Shikhar Sybil

Appellant/Petitioner

Versus

Commissioner Kohat Division

RESPONDENT(S)

Respondent (g)

Muhammad Hassan Class-IV

Notice to Appellant/Petitioner

District Account Officer Kohat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *23/09/2022* at *9:00 am*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Recd

SB

APPEAL No. *7080* of 20*22*

Iftikhar Iqbal

Appellant/Petitioner

Versus

Commissioner Kohat Division

RESPONDENT(S)

Notice to Appellant/Petitioner

*Respondent (2) Deputy Commissioner Karak
District Karak*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *23/07/2022* at *9:00 am*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

Copy of Appeal is Attached

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

*Muhammad Hanif Usman
Supdt. DC Office Karak
Received file no 578/2022
Case 7080/2021. KPST Peshawar.*