

16th June, 2022

Counsel for the appellant present.

Learned counsel for the appellant sought adjournment.
Last chance is given. To come up for preliminary hearing
on 04.08.2022 before S.B.



(Kalim Arshad Khan)
Chairman

04.08.2022

No one present on behalf of appellant.

Notices be issued to appellant and his counsel for
preliminary hearing on 30.09.2022 before S.B.



(Fareeha Paul)
Member (E)

*Counsel are informed
telephonically for the
date fixed 30/09/22
on 07/09/22*

18.10.2021

None for the appellant present.

Due to general strike of the Bar, the case is adjourned. Notices be issued to the appellant and his counsel. To come up for preliminary hearing before the S.B on 21.12.2021.


(MIAN MUHAMMAD)
MEMBER (E)

21.12.2021


Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 15.03.2022 for preliminary hearing before S.B.


(Rozina Rehman)
Member (J)

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.6.2022. for the same as before.


Reader.

02.02.2021

Counsel for the appellants present.

Learned counsel requests for time to prepare the brief further and to address arguments also regarding maintainability of instant appeal. It is a matter of record that the Honourable Peshawar High Court while deciding Writ Petition No. 4936-P/2016 on 18.09.2020 directed this Tribunal to decide the matter in accordance with the law. Could Honourable High Court issue such directions?

The Writ Petition was submitted by 10 petitioners jointly. Being a joint petition can the matter be treated as competent service appeals before this Tribunal?

Adjourned to 20.05.2021 before S.B.


Chairman

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.09.2021 for the same as before.


Reader

02.09.2021

Malik Ikhtisham Ul Haq Khan, Advocate, Junior of counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that the learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 18.10.2021.





(MIAN MUHAMMAD)
MEMBER (E)

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. 11469 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/10/2020	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 18.09.2020 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	16.11.2020	<p>Appellant present in person and submitted Wakalatnama in favour of M/S Ziaur Rahman Tajik & Malik Ihtishamul Haq Khan, Advocates. Placed on record.</p> <p>Requests for adjournment as his learned counsel is not in attendance due to third day of mourning the demise of Honourable Chief Justice, Peshawar High Court. The matter is, therefore, adjourned to 02.02.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>



The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9210149-58

No. 27261/501/2020/WP-MN

Dated. 29-September-2020

From

Deputy Registrar (J),
Peshawar High Court,
Peshawar.

To

The Provincial Service Tribunal, Khyber Pakhtunkhwa, Peshawar.



Subject: Writ Petition No. 4936/2016 Title: Muhammad Anwar and others VS Govt. of KPK through chief sect.

Sir,

I am directed to send herewith the titled case in original alongwith all annexures & judgment of this Honourable Court dated 18.09.2020 for compliance.


Deputy Registrar (J)

Encl: As above.

6

CJudgment Sheet**PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT****Writ Petition No.4936-P/2016****Muhammad Anwar and others****Versus****Govt: of Khyber Pakhtunkhwa through Chief Secretary and others.****Date of hearing 18.09.2020*****Petitioners By: Mr. Zia ur Rehman, advocate.******Respondent (s)/Provincial Government by: Mr. Rab Nawaz Khan, AAG******Remaining Respondent (s) By: Mr. Khalid Rehman, advocate.***

JUDGEMENT

IJAZ ANWAR. J:- The instant writ petition has been filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer:

“on acceptance of instant Writ petition;


- i. Declare existing service which did not provide further promotion to petitioner is against Article 4, 9, 38 (a) and 25 of the**



constitution and is discriminatory.

- ii. Direct the respondents to make proper amendment in the existing rules which provides chance of further promotion to petitioners and bring it in line with the service rules of Industries, Commerce and Technical Education Department**
- iii. Any other relief not specifically prayed to which the petitioner is entitle in facts and circumstances of the case may also be granted."**

2. In essence, the grievance of petitioners is that they being serving in the district judiciary in the capacity of Senior Scale /Junior Scale Stenographers, however, the existing recruitment rules do not provide for further promotion. That in this respect, they have also filed departmental appeal/representation to



respondent No.4 for amendment in the rules, however, the same has not been decided within the specified period. Hence this writ petition.

3. Comments of respondents were called which were accordingly submitted wherein they have opposed the issuance of desired writ.


4. Arguments heard and record gone through.

5. Perusal of the record reveals that petitioners have called in question the vires of the recruitment rules on the ground that they have no further prospects of promotion beyond the post of Senior Scale Stenographer BPS-15. When we confronted learned counsel for petitioners with the proposition that vires of rules being terms and condition of service can better be questioned before the Services Tribunal, he was of the view that the Tribunal has got no jurisdiction to direct the department for framing of rules. He further

argued that there is no final order in the matter so as to attract the jurisdiction of the Services Tribunal.


6. Under section 7 of the Services Tribunal Act, 1974, the Tribunal has ample powers to set aside, vary, modify any order questioned before it pertaining to the terms and conditions of service. The recruitment rules being terms and conditions of services, as such, the same can be questioned before the Tribunal as it is an original order for the petitioners against which they have already submitted their representation/departmental appeal.

7. Section 4 of the Services Tribunal Act is amply clear which provides that if a civil servant is aggrieved of any order whether original or appellate made by the Departmental Authority regarding his terms and conditions of service can



be impugned before the Services Tribunal. In the case of **"I.A Sharwani and others vs Government of Pakistan through Secretary, Finance Division, Islamabad and others"** reported in 1991 SCMR-1041, the honourable Supreme Court has specifically held that vires of rules/Notification can validly be questioned before the Services Tribunal and it can be termed as an original order for the purpose of filing appeal before the Tribunal.

8. After arguing the case at some length, learned counsel for petitioner was suggested that wouldn't it be proper if the case of petitioners is sent to the Services Tribunal for disposal, learned counsel for petitioners agreed to this. Accordingly, office is directed to send original file of the writ petition to the Services Tribunal by retaining a copy of the same with



direction to the Services Tribunal to decide the

same in accordance with law.


Judge

Judge

:

Announced.
Dated.18.09.2020

D.B. Hon'ble Mr. Justice Ikramullah Khan, and Hon'ble Mr. Justice Ijaz Anwar

IN THE PESHAWAR HIGH COURT PESHAWAR

EARLY HEARING APPLICATION2017

in WP 4936/16

This application has been present by Ziaur-Rehman Tajik Advt
on the behalf of petitioner/respondent

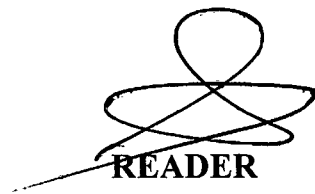
it is in proper form, and accompanied by copies of all necessary documents.

be entered in the relevant Register and put up along with main case

.....

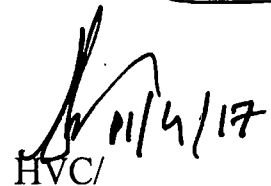
Inform applicant and his counsel.

Dated *28* / 03 / 2017


READER

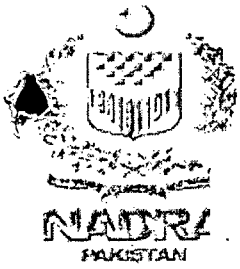
In the instant case early hearing application has been moved by Ziaur Rehman Tajik advocate for the reasons mentioned therein. The case is in ~~motion~~ notice.

If approved, we may accelerate the case from 26/9/17
to.....(SB/DB)


HVC/

Addl: Registrar(J)

may be adjousted before summer vacations
Kenin
11.4.17



National Database and Registration Authority
Research and Development

homepage verisys individual-record

ONLINE Verisys VERIFICATION SYSTEM

Verification Date: **March 28, 2017**
Identity Card Number:
15302-0928402-7



15302-0928402-7

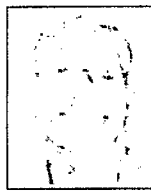
محمد انور

مرد

انوار الحق

کوئی نہیں

May 20, 1972



S7874J

15302-0928402-7

کوٹکے میدان، ڈاک خانہ کمبڑ، تحصیل
لال قلعہ، ضلع لوئر دیر

کوٹکے میدان، ڈاک خانہ کمبڑ، تحصیل
لال قلعہ، ضلع لوئر دیر



10/10/2022

108-72-010469

THE
PESHAWAR HIGH COURT
PESHAWAR



Ph: No. 091-9210149-158
Ext: No. 364

No. 1902-06 /Judl:
Dated Peshawar the 25/2/2017

From

The Additional Registrar (J),
Peshawar High Court,
Peshawar.

To

1. The Government of KPK through Chief Secretary, Civil Secretariat Peshawar.
2. The Government of KPK through Secretary Law, Justice & Human Rights Division, Civil Secretariat Peshawar.
3. The Government of KPK through Secretary Establishment & Administration Department, Peshawar
4. The Registrar, Peshawar High Court, Peshawar.
5. The District & Sessions Judge/Zilla Qazi District Dir Lower at Timergara..

Subject:

Writ Petition No. 4936-P/2016

Muhammad Anwar etc vs Government of KPK etc

Memo:

I am directed to forward herewith copy of order dated 21/02/2017, passed by a Division Bench of this Court in the titled case, for compliance.


DEPUTY REGISTRAR (J)

Encl:

Copy of order

IN THE PESHAWAR HIGH COURT PESHAWAR
OBJECTION SLIP

Muhammad Anwar

VERSUS Govt: of KPK

1. This petition has been presented by Registrar Peshawar High Court advocate.
2. Signature of council/petition wanted on
3. Enactment under which the petition wanted is not mentioned correct.
4. Detail has not been mentioned on the flage .
5. Affidavit is not duly attested / appended. By the Oath Commissioner/D.R of this Court
6. Petition/annexure is not properly paged.
7. Certified copies of _____ has not been filed.
8. Certificate be furnished whether any petition on the subject matter has earlier been filed in this court.
9. Copies of pages no _____ are not legible as well as in spare copies.
10. According to the office order dated 02/05/2016 Special Power of Attorney attested by the Jail authority has not been filed.
- 11.
12. Copy of application is not delivered to AG.and DAG.
13. The appeal, revision, application is time bared.
14. Value of the purpose of court fee and jurisdiction has been mentioned incorrect in the relevant column of the opening sheet.
15. The P/A of the council engaged is not attested / signed by all petitioners/appellants.
16. THREE COMPLETE SPARE COPIES BE FILED IN THE SEPERATE FILE COVER.
17. Number of referred cases is not given / correct.
18. Petition received by post is not entertainable except through Jail.
19. Petition containing overwriting is not entertained. Fair petition be filed.
20. Writ petition is not competent against private respondents.
21. List of Books have not been mentioned at the end of the petition.
22. Name of the special attorney has not beeb mentioned in the heading.
23. Petition should be drafted by a person competent to do so.
24. Petition along with Spare copies be flagged.
25. In what Jail the petitioner is confined.
26. Revision/Appeal may be filed on the prescribed form.
27. Copies of annexure _____ are not attested.
28. Court fee stamps has not been affixed.
29. Power of attorney is not attested by the Jail authority.
30. Certified copies of impugned orders/decrees sheets/pleadings/evidence/grounds of revision/appeal before District Judge have not been filed.
31. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
32. Whether in view of Para No. 3 of Notification dated 23/02/2016 any notice with A.D and copy of petition along with annexures has been given to the respondents.
33. Index has not been filed.
34. Check List should be filed with the petition.
- ✓ 35. Copies not delivered to Petitioner/his Counsel
- ✓ 36. NADRA verification not filed a/w reply. READER 09/02/2017

Returned with objections at Sr. No
or before

35 36
/2017

for removal and resubmission on

Deputy Registrar
Peshawar High Court Peshawar.

Sr. Registrar
16/2/17

IN THE PESHAWAR HIGH COURT PESHAWAR

EARLY HEARING APPLICATION2017

in W.P. 4936/16

This application has been present by *Rehmanullah Shah*
on the behalf of petitioner/respondent


it is in proper form, and accompanied by copies of all necessary documents.

be entered in the relevant Register and put up along with main case

.....

Inform applicant and his counsel.

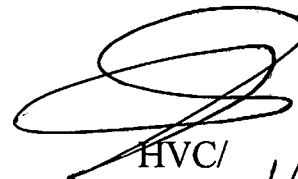
Dated *09/02/2017*.


READER

In the instant case early hearing application has been moved by *Rehmanullah Shah* advocate for the reasons mentioned therein. The case is in *motion*/notice.

If approved, we may accelerate the case from... *20/03/17*
to.....(SB/DB)

Addl. Registrar(J)


HVC/ *16/2/17*

Be joined on this instant.

Amir
17/2/17

BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR

C.M No. /2017 IN

W.P No. 4936/2016

Muhammad Anwar & Others

PETITIONERS

Versus

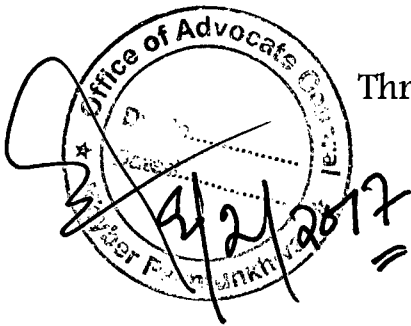
Federation of Pakistan & Others

RESPONDENTS /APPLICANT

INDEX

S.NO	DESCRIPTIONS	Annexure	Pages
01	Early Hearing Application		01
02	Affidavit		02
03	Letter Registrar of Hon'ble Peshawar High Court Peshawar with by Distt & Session Judge, Lower Dir	A - A 1	03 - 06

AM
Applicant



Through:

Rehman Ullah Shah

Rehman Ullah Shah, Attiq Ur Rehman

M.A, LL.M

Advocates

Ibn e Abdullah Law Associates

11 Azam Tower University Road Peshawar

Phone & Fax # 091- 570 2021

www.ibneabdullah.com

FILED TODAY

Deputy Registrar

09 FEB 2017

BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR

C.M No. /2017 IN

W.P No. 4936/2016

Muhammad Anwar & Others _____ PETITIONERS

Versus

Federation of Pakistan & Others _____ RESPONDENTS /APPLICANT

APPLICATION BY ADDED RESPONDENT NAMELY, ABDUL HANAN FOR EARLY
HEARING IN THE ABOVE MENTIONED CASE

Respectfully submitted as under:

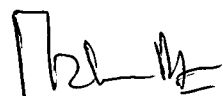
1. That the above title Writ Petition is pending before this Hon'ble court, and is fixed for dated 08/03/2017.
2. That applicant/ Private Respondent named above is going to be retired on dated 23/03/2017, and early hearing and disposal of the case is in interest of justice otherwise irreparable loss may be caused to the applicant and Impleadment of the applicant in the instant writ would be in-fructuous.
3. That the Post of Superintendent is vacant since 25/01/2017 and applicant being the only deserving candidate needed to be promoted whereas Petitioner has got status quo order in their favour my concealment of the actual and true facts of the case hence it is arguable on the part of the applicant. The matter pertains to the promotion of the applicant therefore early hearing in the instant case is the need of the hour.
4. That the Registrar of this Hon'ble Court has asked the Concern Distt & Session Judge at Timergara Lower Dir for Seniority List. The same has been provided by the concern whereby Applicant/ Respondent is on top.

Prayer:

That on acceptance of this application the above mentioned Writ Petition may kindly be fixed for dated 21-02-2017.


Applicant

Through:



Rehman Ullah Shah, Attiq Ur Rehman

M.A, LL.M

Advocate High Court

FILED TODAY
Deputy Registrar
09 FEB 2017

BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR

2
/

C.M No. /2017 IN

W.P No. 4936/2016

Muhammad Anwar & Others

PETITIONERS

Versus

Federation of Pakistan & Others

RESPONDENTS /APPLICANT

AFFIDAVIT

I, Abdul Hanan Assistant at Judiciary District Dir Lower do hereby solemnly affirm and declare on oath that contents of this application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Court.

Identified by:

[Signature]

Rehman Ullah Shah

Advocate High Court

[Signature]
Deponent

Abdul Hanan

15302-8300743-3

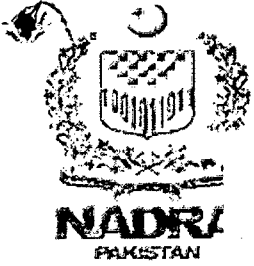
FILED TODAY
Deputy Registrar
09 FEB 2017

no. 17347

Certified that the above was verified on solemnly affirmation before me in office, this 9th day of Feb 17 at Dir Lower who was identified by Rehman Ullah Shah who is personally known to me:

[Signature]
Oath Commissioner
Peshawar High Court, Peshawar.

Nudra-Karbid



National Database and Registration Authority
Research and Development

homepage verisys individual-record

ONLINE Verisys VERIFICATION SYSTEM

Verification Date: **February 9, 2017**
Identity Card Number:
15302-8300743-3

Remarks

[x]

- This person has been given exemption of expiry being Senior Citizen and does not require renewal for rest of his or her life



Abm

15302-8300743-3

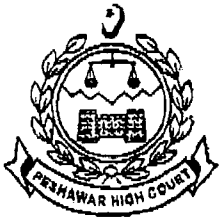
عبدالحنان

مرد

حافظ بہادر خان

چہرے پرتل

March 23, 1957



The
PESHAWAR HIGH COURT
Peshawar

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

Exch: 9210149-58
Off: 9210135
Fax: 9210170

www.peshawarhighcourt.gov.pk
Info@peshawarhighcourt.gov.pk
phcph@gmail.com

No. 2449 / Admn:

Dated Pesh the 4/2 /2017

To:

The District & Sessions Judge/Zilla Qazi,
Dir Lower at Timergara.

Subject: **APPLICATION FOR PROMOTION AS SUPERINTENDENT BSP-17.**

Dear Sir,

I am directed to refer to your Endst: No.433 dated 23.01.2017, on the subject and to request to submit a proper case alongwith working paper for placement before the DPC, please.

Sincerely yours,

(Signature)
(MUHAMMAD SALIM KHAN)
REGISTRAR

Accepted TC
Ad 4

No 601 /D&SJ/ Dir (L)

at Timergara dated the 06 /02/2017.

From:

The District & Sessions Judge/ZQ,
Dir Lower at Timergara.

To,


The Registrar,
Peshawar High Court,
Peshawar.

Subject:

WORKING PAPERS FOR PROMOTION TO THE POST OF
SUPERINTENDENT SESSIONS COURT DIR LOWER AT
TIMERGARA.

Dear Sir,

Reference to your good self letter bearing No. 2449/Admn dated 04/02/2017 on the subject; I have the honour to state that Superintendent of Sessions Court Dir Lower, at Timergara Mr. Rab Nawaz has retired from Service on 25/01/2017. For filling up the said vacancy, requisite data, seniority list and working paper of Assistants (BPS-16) working in District Judiciary, Dir Lower is hereby send for further necessary action, please. However, I feel it necessary to bring it into your kind notice that Stenographers of this District have filed a writ petition No. 4936/2016 before the Hon'ble Peshawar High Court, Peshawar with a prayer to promote them into BPS-17 and Hon'ble Peshawar High Court has ordered to maintain Statusquo (Copy of writ Petition and order of Peshawar High Court is hereby annexed.


District & Sessions Judge/ZQ,
Dir Lower at Timergara.

Encl: as above.

Te
Feb 11

SENIORITY LIST OF ASSISTANT (BPS-16) OF DISTRICT JUDICIARY DIR LOWER.							
S.No	Name of Official	Domicile	Date of Birth	Designation	Grade	Date of joining Service	Date of the Joining present Post
1	Abdul Hanan	Dir Lower.	23/3/1957	Assistant	16	25/11/1978	1/12/2000
2	Mana Gul	Dir Lower.	25/6/1958	Assistant	16	06-10-1981	25/4/2003
3	Zubair Shah	Dir Lower.	10-03-1966	Civil Nazir /Assistant	16	01-11-1989	11/08/2004
4	Muhammad Naeem	Dir Lower.	07-05-1962	Assistant	16	02-11-1981	28/2/2006
5	Habibullah Khan	Dir Lower	13/1/1962	Assistant	16	26/6/1983	16/5/2014
6	Faqir-ur-Rehman	Dir Lower.	1/2/1966	Assistant	16	31/5/1994	22/10/2014
7	Sarbiland Khan	Dir Lower.	25/5/1972	Assistant	16	1/6/1994	20/05/2015

Te
Mub

[Handwritten Signature]

Distt. & Session Judge/20
Dir Lower at Timerga. a

WORKING PAPER FOR PROMOTION

Name of the Establishment: District & Sessions Judge/Zila Qazi Dir Lower

Promotion to the Post of Suprintendent(BPS-17)

Number of Vacancies: 01

To be filled in from amongst: Assistants/Reader.

Dated : / / 2016

6

Sl. No.	Name (in order of seniority) of all the holders of the posts from amongst whom the subject post is to be filled in	Present Post Held	Date of Birth	Present Post Held since	Date of Joining the Service	First Appointment as	Typing speed	Short Hand Speed	Qualification Division				Performance evaluation						Date of Retirement		
									Matric	F.A	B.A	Others	2014		2015		2016				
													Average	Good	V.Good	Average	Good	V.Good		Average	Good
1	Mr. Abdul Hanan	Assistant/Reader	23-03-1957	01-12-2000	25/11/1978	Junior Clerk	25 word P/M	---	3rd	3rd	2nd		Good			Good			Good		23-03-2017
2	Mr. Mana Gul	Assistant/Clerk of Court	25-06-1958	25-04-2003	06-10-1981	Junior Clerk	25 word P/M	---	2nd	3rd	Nil		V.Good			Good			V.Good (1-1-2016 to 11-5-2016) Good (19-05-2016 to 31-12-2016)		25-06-2018
3	Mr. Zubair Shah	Assistant/Civil Nazir	10-03-1966	11-08-2004	01-11-1989	Junior Clerk	25 word P/M	---	2nd	2nd	2nd	M.A 2nd	Average			Average			Average (1-1-2016 to 11-5-2016) Good (19-5-2016 to 31-12-2016)		10-03-2026
4	Mr. Muhammad Naeem	Assistant/Reader	05-07-1962	28-02-2006	01-12-1981	Junior Clerk	25 word P/M	---	3rd	3rd	3rd		Good			Good			V.Good		05-7-2022
5	Mr. Habibullah	Assistant/Reader	13-01-1962	16-05-2014	26-06-1983	Junior Clerk	25 word P/M	---	2nd	3rd	2nd		Good			Average			Good		13-01-2022
6	Mr. Faqir-ur-Rahman	Assistant/Reader	01-02-1966	22-10-2014	31-05-1994	Junior Clerk	25 word P/M	---	1st	3rd			Good			Good			V.Good		01-02-2028
7	Mr. Sarbiland Khan	Assistant/Reader	25-05-1972	20-05-2015	01-06-1994	Junior Clerk	25 word P/M	---	2nd				Good			Good			V.Good		25-05-2032

Note: Please fill in the proforma after due verification of all the facts indicated therein.

PREPARED BY:

CHEKED BY:

COUNTERSIGNED BY DISTRICT & SESSIONS JUDGE DIR LOWER.

District & Session Judge/ZO
Dir Lower at Timergara

1 IN THE PESHAWAR HIGH COURT PESHAWAR

82-P-2017 (ambledment)

Miscellaneous application

In WP 4936/16

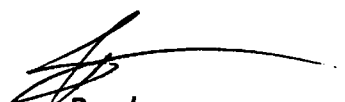
This petition had been presented by. Rehman Ullah Shah.

This petition is in proper form, and is accompanied by copies of all necessary documents.

Petition be entered in the relevant register and put up again for fixation along with main case.

Inform petitioner and his counsel.

Rejoinder filed
8-27-17


Reader

Dated 17/ 01 /2017


DEPUTY REGISTRAR

Dated 17/ 01 /2017

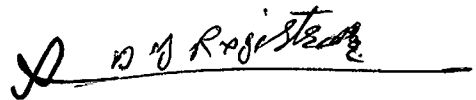
20/01/17

DB copy
main case is
already fixed
(on 8-3-17)

em. 82-1/17 (ambledment) in WP 4936/16 on
(Seizure matters), is fixed before HBB on
31/01/17 inform petr. & his counsel,

[8-27-17 (ambledment)]

em. 82-1/17 is
Allowed on 8-27-17


Deputy Registrar

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

In Re: 82-P/2017

W. P No. 4936 /2016

Muhammad Anwar & others

PETITIONERS

VERSES

Govt of KP, through Chief Secretary, Civil Secretariat, Peshawar & others

RESPONDENTS

"APPLICATION FOR IMPLEADMENT OF ABDUL HANAN ASSISTANT [BPS- 16] AT
JUDICIARY DISTRICT DIR LOWER AS A PRIVATE RESPONDENT IN THE ABOVE
TITLED CASE"

INDEX

S.NO	Description	Annexure	Pages
01	Impleadment Application		01-02
02	Affidavit		03
	Relevant Rules	"A"	04
02	Seniority List	"B"	05
03	Correspondence	"C,C1"	06-08
	Wakalatnama		

Amr
Applicant

Through:

Rehman

Rehman Ullah Shah, Attiq Ur Rehman

MA, LL.M

Advocates

FILED TODAY

Deputy Registrar

17 JAN 2017

Ibn e Abdullah Law Associates

11, Azam Tower, University Road, Peshawar

infoila56@gmail.com

0333 5493948

Em. 82-P/17EN/19
Allowed on 8217

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

In Re:

82-P/2017

W. P No: 4936 /2016

Muhammad Anwar & others

PETITIONERS

VERSES

Govt of KP, through Chief Secretary, Civil Secretariat, Peshawar & others

RESPONDENTS

"APPLICATION FOR IMPLEADMENT OF ABDUL HANAN ASSISTANT [BPS- 16] AT
JUDICIARY DISTRICT DIR LOWER AS A PRIVATE RESPONDENT IN THE ABOVE
TITLED CASE"

Respectfully Submitted as

1. That the above title Writ Petition is pending before this Hon'ble court, and the next date is yet to be fixed by this Hon'ble court.
2. That the applicant has come to know that Petitioners named above have filed a Writ Petition whereby they have challenged the present rules and regulation to the extent of promotion of ministerial staff at District Judiciary Dir Lower under Peshawar High Court (Subordinate Courts Staff) Recruitment, 2003.
{Copy of the relevant Rules is annex as "A"}
3. That any change, alteration or modification in the existing rules will adversely affect/ hamper the valuable right of the present applicant, and he would be condemned un-heard. Reliance is placed on 2004 PLD 411 SUPREME-COURT
4. That if applicant is not impleaded as private Respondent in the above noted case then great prejudice will be caused to the applicants, but if applicant is impleaded then no prejudice will be caused.
5. That impleading of applicant as necessary party is necessary for proper adjudication of the case. It is worth to mention that as per seniority list, Applicant is the most senior person in the cadre of Assistant/ Reader. He is Deputy Registrar primarily entitled for promotion to the next grade/ post as per seniority list.
{Copy of the list is annexed as "B"}

FILED TODAY

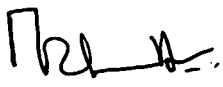
Deputy Registrar

17 JAN 2017

It is, therefore, prayed that Abdul Hanan, Assistant [BPS-16] at Judiciary District Dir Lower may kindly be impleaded as Private Respondent in the present Writ Petition in the interest of justice.


Applicant

Through


Rehman Ullah Shah, Attiq Ur Rehman

MA, LLM
Advocates

FILED TODAY

Deputy Registrar
17 JAN 2017

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

3

In Re: 82-P/2017

W. P No: 4936 /2016

Muhammad Anwar & others

PETITIONERS

VERSES

Govt of KP, through Chief Secretary, Civil Secretariat, Peshawar & others

RESPONDENTS

AFFIDAVIT

I, Abdul Hanan Assistant [BPS-16] at Judiciary District Dir Lower do hereby solemnly affirm and declare on oath that contents of this application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Court.

Amir
Deponent:
15302-8300743-3

Identified by
[Signature]

15776

Identified the above was verified on solemnly affirmation before me in office, this 17th day of Jan 17 at Peshawar to the Dir Lower who was identified by *[Signature]* Who is personally known to me:

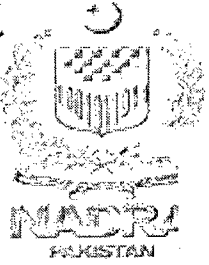
[Signature] 17/1/2017
Oath Commissioner
Peshawar High Court, Peshawar.

Nadra Verified

FILED TODAY
[Signature]
Deputy Registrar
17 JAN 2017

em. 82-P/17 m/17
Allocated on 8-2-17

3 A



National Database and Registration Authority
Research and Development

homepage verisys individual-record

ONLINE
Verisys
VERIFICATION SYSTEM

Verification Date: **January 17, 2017**

Identity Card Number:

15302-8300743-3

Remarks

[x]

- This person has been given exemption of expiry being Senior Citizen and does not require renewal for rest of his or her life



15302-8300743-3

عبدالحنان

مرد

حافظ بهادر خان

چہرے پرتل

March 23, 1957

Amir

No. 2(2-2)

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

NOTIFICATION

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the North West Frontier Province Civil Servants (appointment, Promotion and Transfer) Rules, 1939, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the N.W.F.P specified in column # 2 of the said Appendix.

APPENDIX

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

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

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

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

4

"A"

"B"

161

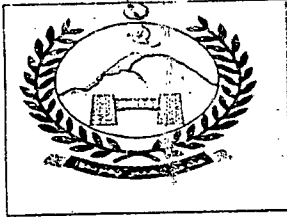
**LIST SHOWING SENIORITY OF MINISTERIAL STAFF OF DISTRICT JUDICIARY DIR LOWER
FOR THE YEAR 2015-2016.**

S.No	Name of Official	Domicile	Date of Birth	Designation	Grade	Date of joining Service	Date of the Joining present Post	Whether Regular or against the project
Supperintendent BPS-17								
1	Rab Nawaz	Dir Lower.	25/01/1957	Superintendent	17	20/11/1976	12-09-13	
Senior Scale Stenographer BPS-16								
1	Muhammad Anwar	Dir Lower.	20/5/1972	S.S. Stenographer	16	20/10/1991	17/7/1995	
2	Khan Zarin	Dir Lower.	07/04/1970	S.S. Stenographer	16	22/12/1992	9/3/2004	
3	Mehtab Khan	Dir Lower.	1/9/1968	S.S. Stenographer	16	15/1/1995	5/3/2004	
4	Bakht Munir Khan	Dir Lower	1/3/1972	S.S. Stenographer	16	23/5/1993	16/5/2014	
5	Musa Khan	Dir Lower.	27/3/1958	S.S. Stenographer	16	3/7/1979	26/3/2016	
ASSISTANT BPS 16								
1	Abdul Hanan	Dir Lower.	23/3/1957	Assistant	16	25/11/1978	1/12/2000	
2	Mana Gul	Dir Lower.	25/6/1958	Assistant	16	10-06-81	25/4/2003	
3	Zubair Shah	Dir Lower.	03-10-66	Civil Nazir /Assistant	16	11-01-89	11-08-04	
4	Muhammad Naeem	Dir Lower.	07-05-62	Assistant	16	02-11-81	28/2/2006	
5	Habibullah Khan	Dir Lower	13/1/1962	Assistant	16	26/6/1983	16/5/2014	
6	Faqir-ur-Rehman	Dir Lower.	1/2/1966	Assistant	16	31/5/1994	22/10/2014	
7	Sarbiland Khan	Dir Lower.	25/5/1972	Assistant	16	1/6/1994	20/05/2015	
Budget & Accounts Assistant BPS-15								
1	Jamshid Muhammad	Dir Lower	30/03/1977	Budget & Accounts Assistant	15	06/03/2004	01/02/2012	
Junior Scale Stenographer BPS-14								
1	Saeed Anwar	Dir Lower.	4/3/1976	Junior Scale Stenograhper	14	9/3/1995	9/3/1995	
2	Muhammad Ghafoor	Dir Lower.	20/4/1967	Junior Scale Stenograhper	14	31/5/2000	21/1/2002	
3	Ikram Shah	Dir Lower	18/6/1984	Junior Scale Stenograhper	14	29/6/2005	16/5/2011	
4	Qayuum Khan	Dir Lower.	6/1/1976	Junior Scale Stenograhper	14	15/1/1995	01/02/2012	
5	Ziaullah	Dir Lower	02-06-88	Junior Scale Stenograhper	14	16/5/2011	31/1/2015	
6	VACANT POST							
Computer Operator BPS-14								
1	Sultani Mulk	Dir Lower.	15/5/1977	Computer Operator.	14	15/9/2003		
2	Sufaid Muhammad	Dir Lower.	1/12/1971	Computer Operator.	14	23/9/2003		
3	Badshah Ali	Dir Lower.	04-04-76	Computer Operator.	14	5/3/2004		

returned

applicant

SUPERINTENDENT
 Sessions Court
 (JL) at Timergara



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

No. BO-II/FD/3-13/PHC/2016-17
Date Peshawar 15.11.2016

RECEIVED	15.11.2016
PESHAWAR HIGH COURT PESHAWAR	
Receipt No.	170592
Date	30/11/16
For	BOA
Signature	[Signature]

To

The Registrar
Peshawar High Court,
Peshawar

SUBJECT: CREATION OF POSTS IN THE ESTABLISHMENT OF DISTRICT AND SESSIONS COURT, D.I.KHAN.

Dear Sir,

I am directed to refer your letter No.6273/B&A dated 01.11.2016 on the subject noted above and to state that there is ban on creation of posts during the current financial year 2016-17, therefore, Finance Department regrets its inability to accede to the proposal please.

Yours faithfully,

[Signature]
(WASIL KHAN)
BUDGET OFFICER-II

WAKALATNAMA

BEFORE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

MUHAMMAD ANWAR & OTHERS _____ PETITIONERS

VERSUS

GOVT OF KHYBER PAKHTUNKHWA & OTHERS _____ RESPONDENTS

Wakalatnama on behalf of APPLICANT/ ADDED RESPONDENT NAMELY ABDUL
HANAN

I Abdul Hanan Private Respondent in the above case, do hereby appoint Rehman Ullah Shah, Advocate in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct prosecution or defence of the said case at all its stages.
3. To receive payment of and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

And hereby agree: -

- a) That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 17/01/2017

Attested & Accepted by:

(Subject to the term regarding payment of fee)

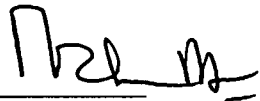


Signature of Executant

FILED TODAY

Deputy Registrar

17 JAN 2017



Rehman Ullah Shah
MA, LL.M

Cell No: 0333 5493948

Advocates

Attiq Ur Rehman

Ibn e Abdullah Law Associates
11 Azam Tower University Road Peshawar
Phone & Fax # 091- 570 2021
infoila56@gmail.com

M/S Safdar & Associates
19, 2nd Floor, Fareed Chambers
Abdullah Haroon Road, Saddar Karachi
Ph: 021 35620592

20/01/17

wp. 4936-116 (w/ service matters), with 9/1R w/ stop

DB case
with em. 8-2-17
(employment 1.0)
allowed on 8-2-17

adjourned by the court from 13-1-17 and fixed before

H.D.B on 08/03/17 inform all concerned.

8-2-17 w/ DB case

Deputy Registrar

11/02/17

wp. 4936-116 (w/ service matters), with 9/1R w/ stop

DB case
start date
stop granted on
29-11-16

adjourned by the court from 8-2-17 and fixed before

H.D.B on 20/03/17 inform all concerned.

13

Deputy Registrar

18/02/17

wp. 4936-116 (w/ service matters), with 9/1R w/ stop
accelerated from 20-3-17, by order of ARD

DB case
fixed on
21-2-17
9/1R w/ stop,
is recalled on
21-2-17.

adjourned by the court from and fixed before

H.D.B on 21/02/17 inform all concerned.

18

Deputy Registrar

03/4/17

wp. 4936-116 (w/ service matters), with 9/1R w/ stop
stop granted on 29-12-16

DB case
9/1R w/ stop
is recalled on
21-2-17

adjourned by the court from 21-2-17 and fixed before

H.D.B on 26/9/17 inform all concerned
petr. & his counsel & ARD

18

Deputy Registrar

P-3

11/09/17

DB case
Be fixed / Adjourned
Before Summary Judgment

wf. 4936-P/16 (seizure matters), Accelerated from
26-9-17, by order of A.R.J.,

adjourned by the court from _____ and fixed before _____

H.D.B on 31/5/17 inform: Petrs. & his counsel & AAG

11

Wiley
Deputy Registrar

wf. 4936-P/16 (seizure matters)

02/6/17

DB case

adjourned by the court from 31-5-17 and fixed before _____

H.D.B on 28/11/2017 inform all concerned.
inform Petrs. & his counsel & AAG

15

Wiley
Deputy Registrar

wf. 4936-P/16 RAN seizure matters / Petrs. & his counsel
[Petrs. & his counsel / Scale Stone 22/12/13-14 & B-17
(to - subdt. B-17)]

07/12/17

DB case

adjourned by the court from 28-11-17 and fixed before _____

H.D.B on 21/03/18 inform all concerned.
inform Petrs. & his counsel & AAG.
issue notice to Petrs. & his counsel & AAG

18

Wiley
Deputy Registrar

wf. 4936-P/16 RAN seizure matters / Petrs. & his counsel
[Scale Stone 22/12/13-14 & B-17 to - subdt. B-17]

28/03/18

DB case

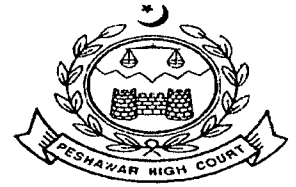
adjourned by the court from 21-3-18 and fixed before _____

H.D.B on 27/6/18 inform all concerned.
issue notice to Petrs. & his counsel & AAG

Petrs. & his counsel & AAG
26-9-18 Petrs. (DBT)
(C) add on

Wiley
Deputy Registrar

**THE
PESHAWAR HIGH COURT
PESHAWAR**



Ph: No. 091-9210149-158
Ext: No. 364

No. 1470-74 /Judl:
Dated Peshawar the 03/02/2017

From

The Additional Registrar (J),
Peshawar High Court,
Peshawar.

To

1. The Government of KPK through Secretary Law, Justice & Human Rights Division, Civil Secretariat Peshawar.
2. The Registrar, Peshawar High Court, Peshawar.
3. The District & Sessions Judge/Zilla Qazi District Dir Lower at Timergara..

Subject: Writ Petition No. 4936-P/2016 with Interim Relief
Muhammad Anwar etc vs Government of KPK etc

Memo:

I am directed to forward herewith copy of order dated 29/12/2016, passed by a Division Bench of this Court in the titled case, for compliance. You should submit your parawise comments to this Court within fortnight.

DEPUTY REGISTRAR (J)

Encl:

Copy of order & Writ Petition.

Endst: No. & even dated:

Copy forwarded for information & further necessary action to:

- The Government of KPK through Chief Secretary Civil Secretariat Peshawar.
- The Government of KPK through Secretary Establishment & Administration Department, Peshawar

DEPUTY REGISTRAR (J)

Encl:

Copy of order

P-L

IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION NO. 4936-8 2016
with 9K

This petition had been presented by Zia ur Rehman TAJIK advocate on behalf of petitioner/petitioners.

This petition is in proper form copies of all the relevant documents having been attached.

THREE Spare copies of the WP have also been attached. ✓

Petition entered in the relevant register and placed before Hon'able Court DB for further order on 29/12/2017 ✓ *grau*

Dated 26/12/2016

42

READER

appointment

COUNTERSIGNED

Dated 26/12/2016

DEPUTY REGISTER

07/01/17

Observe
short date.

in p. 4936-8 (reference matters), with 9K (copy)
Advised by the court (on 29-12-17) and
filed before HDB on 13/01/17 ✓
inform all concerned.

Dy Registrar

IN THE PESHAWAR HIGH COURT PESHAWAR

OBJECTION SLIP

Muhammad Anwar VERSUS *Govt of P.F.*

1. This petition has been presented by *Muhammad Rehman Talib* advocate.
2. Signature of council/petition wanted on
3. Enhancement under which the petition wanted is not mentioned correct.
4. Detail has not been mentioned on the flage .
5. Affidavit is not duly attested / appended. By the Oath Commissioner/D.R of this Court
6. Petition/annexure is not properly paged.
7. Certified copies of _____ has not been filed.
8. Certificate be furnished whether any petition on the subject matter has earlier been filed in this court.
9. Copies of pages no _____ are not legible as well as in spare copies.
10. According to the office order dated 02/05/2016 Special Power of Attorney attested by the Jail authority has not been filed.
11. There should be separate application for each prayer/case.
12. Copy of application is not delivered to AG.and DAG.
13. The appeal, revision, application is time bared.
14. Value of the purpose of court fee and jurisdiction has been mentioned incorrect in the relevant column of the opening sheet.
15. The P/A of the council engaged is not attested / signed by all petitioners/appellants.
16. THREE COMPLETE SPARE COPIES BE FILED IN THE SEPERATE FILE COVER.
17. Number of referred cases is not given / correct.
18. Petition received by post is not entertainable except through Jail.
19. Petition containing overwriting is not entertained. Fair petition be filed.
20. Writ petition is not competent against private respondents. *under Article 212*
21. List of Books have not been mentioned at the end of the petition.
22. Name of the special attorney has not beeb mentioned in the heading.
23. Petition should be drafted by a person competent to do so.
24. Petition along with Spare copies be flagged.
25. In what Jail the petitioner is confined.
26. Revision/Appeal may be filed on the prescribed form.
27. Copies of annexure _____ are not attested.
28. Court fee stamps has not been affixed.
29. Power of attorney is not attested by the Jail authority.
30. Certified copies of impugned orders/decrece sheets/pleadings/evidence/grounds of revision/appeal before District Judge have not been filed.
31. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
32. Whether in view of Para No. 3 of Notification dated 23/02/2016 any notice with A.D has been given to the respondents.
33. Index has not been filed.
34. Check List should be filed with the petition.

[Signature]
READER
24/12/2016

Returned with objections at Sr. No
or before *[Signature]* 08/11/2017

for removal and resubmission on
[Signature]
Deputy Registrar
Peshawar High Court Peshawar.

Sir,

Re. Submitted by after Combes
by objection. All the Respondent Complain to perhance
The Petitioner has says this case fixed by principal seat.
Please this case put in court.

~~Prakash~~
26/12/016