


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1647/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/11/2022	<p>The appeal of Mr. Amir Nawaz received today by registered post through Mr. Muhammad Riaz Swati Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

SERVICE APPEAL NO. 1047 /2022

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM

(APPELLANT)

VERSUS

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

**RESPONDENTS**


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**Appellant**

Amir Nawaz s/o Muhammad Zarin  
J/C Deputy Commissioner office  
Battagram

Dated: 16/11/2022

  
**Muhammad Riaz Swati**  
Advocate. Mansehra  
Contact # 03335060225

1

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

SERVICE APPEAL NO. 1647 /2022

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM

(APPELLANT)

VERSUS

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

(RESPONDENTS)

SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNEL ACT, 1974, AGAINST IMPUGNED OFFICE ORDER ISSUED VIDE NO.579-85/AE(DCB) DATED 11/06/2015 BY DEPUTY COMMISSIONER BATTAGRAM AND REJECTION OF DEPARTMENTAL APPEAL BY RESPONDENT NO.2 VIDE LETTER NO.10/2(M)/READER/12024-25 DATED 20/10/2022, CAUSE OF INFLICTING HUGE FINANCIAL LOSS, *WITHHOLDING THE SALARY* AND CONSEQUENTIAL INTER-SE-SENIORITY OF THE APPELLANT ON THE BASIS OF MERIT ASSIGNED TO THE SELECTEES IN RESPONSE TO ADVERTISEMENT DATED 25/04/2013 WITH REFERENCE TO W.P NO.853-A/13, DISREGARD/INCONSISTANCE TO THE DIRECTION OF HONOURABLE PESHAWAR HIGH COUR ABBOTTABAD BENCH WITH ULTERIOR MOTIVES/ULTRA VIRES, ARBITRARY WITHOUT LAWFUL AUTHORITY ,DISCRIMINATORY, ILLEGAL AND UNWARRANTED DEPRIVING THE APPELLANT FROM THE PAY OF THE POST OF JUNIOR CLERK W.E.F. 19/11/2013 i.e DATE OF INITIAL RECRUITMENT AFTER COMPLETION OF ENTIRE RECRUITMENT PROCESS,

Respectfully Sheweth;

**FACTS:**

Brief facts leading to the instant appeal are as under: -

1. That, Deputy Commissioner, Battagram invited applications through Daily Mashriq dated 25/04/2013 for recruitment against various posts including Junior Clerks, copy attached as **Annex: A**
2. That, after completion of due recruitment process in response to advertisement dated 25/04/2013, office of Deputy Commissioner Battagram (Respondent No1) prepared merit list for the post of Junior clerk (BPS-7), whereas the name of the appelland stood at S.No.04 of the merit list with scoring position of 73.6, copy of merit list containing four pages is attached as **Annex-B-1 to B-3**.
3. That, meeting of Departmental Selection Committee was held on 26/09/2013 in the office of Deputy Commissioner Battagram, the Committee interviewed the

candidates and checked their original documents, the merit of shortlisted candidates is as under: -

<b>S.No</b>	<b>Name with Parentage</b>	<b>Total Marks</b>	<b>Obtained marks</b>
01.	Muhammad Idrees s/o Gul Rehman	100	79
02	Said Muhammad s/o Shah wali khan	100	78.4
03	Sharifullah s/o Fiaz Muhammad	100	74
04.	Amir Nawaz S/o Muhammad Zarin	100	73.6
05.	Faisal s/o Badiuz Zaman	100	72.6
06.	Samiullah s/o Umar Zarin	100	72

Copy of minutes of DSC meeting dated 26/09/2013 is attached as **Annex-C-C3**

4. That, consequent upon the approval/recommendations of DSC, appointment of the appellant & others against the post of junior clerk were issued by Deputy Commissioner Battagram vide No.5884-92/AE dated 19/11/2013. Copy of appointment order, arrival report dated 20/11/2013 and Medical Fitness certificate dated 20/11/2013 are attached as **Annex: D-1 to D-3** respectively.
5. That, the then hon,able Deputy Commissioner Battagram passed another appointment order vide No.1903-1/AE dated 22/11/2013 appointing one Mr. Amjid Khan S/O Muhammad Tahir, stood at S.No.25 of the merit list (copy of merit list already annexed as annexure B-1 to B-3) with total scoring 63.2 under strange consideration, enhancing his scoring from 63.2 to 72.7 through tempering against respective column of candidate, just to extend un-authorized relief of appointment to blue eyed candidate, without placing his case before DPC in utter violation of recruitment process.
6. That, It is further added that in the same order the Deputy Commissioner cancelled appointment order of the appellant dated 19/11/2013 in a highly capricious manner. The name of the appointee, Mr. Amjid Khan was even not shortlisted nor placed his case before DSC. The relevant excerpt of cancellation order is re-produced as below: -

***As a result of re-checking and re-counting of numbers, this office order No.1884-92 dated 19/11/2013 in respect of Mr. Amir Nawaz s/o Muhammad Zarin r/o Battagram is hereby cancelled due to re-counting/checking of merit marks. Copy of order dated 22/11/2013 is attached as Annex: E.***

7. That, being aggrieved due to cancellation of appointment order of the appellant, the appellant filed Writ Petition No.853-A/2013 before the Peshawar High Court Abbottabad Bench against the impugned order dated 22/11/2013 for restoration of original appointment order issued in favour of appellant vide No.1884-92/AE dated 19/11/2013 with the following main prayer: -

***It is also prayed that the Respondent No.2 may graciously be issued direction to cancel and set aside the appointment order No.1903-1/AE dated 22/11/2013 regarding the Respondent No.10 and the appointment order No.1884-92/AE dated 19/11/2013 to the extent of petitioner may be restored with all back benefit and petitioner may also be allowed to perform his duty as junior clerk in the office of Respondent No.2. Any other remedy which this August High Court deem proper, just and appropriate may graciously be passed against the Respondents No.1,2,3,4 & 10 in favour of the petitioner.***

**Request for INTERIM RELIEF was made as under: -**

Interim relief under Article 199(2)(b)-ii of the Constitution 1973 read with Section 151 and order 39 Rule 1&2 of the CPC to the Respondent No.2 may graciously be issued directions to suspend the appointment order No.1903-1/AE dated 22/11/2013 regarding the Responded No.10 and he may be restrained to perform his duty as a junior clerk till the decision of this Writ Petition and direction may also be issued to the Respondent No.2, to restore the office order No.1884-92/AE dated 19/11/2013 and the petitioner may be allowed to perform his duty as Junior clerk in the office of Resp: No.2 with all back benefits and payments to the petitioner.

8. The case was fixed for hearing on 17/07/2014, whereas the hon,able Peshawar High Court passed the following order: -

***In view of controversy involved in the matter, let pre-admission notice be issued to the Respondents with the direction to produce the entire relevant record regarding marking and awarding of marks to all the candidates.***

**Interim Relief**

***In the meanwhile, status quo be maintained.***

Copy of Writ Petition No.853-A/2013 and order of the hon,able High Court dated 17/04/2014 thereon are attached as **Annex: F-1 to F-11.**

9. That, due to non-compliance of the Court orders/violation of STATUS QUO, which was granted by the August High Court Abbottabad on 17/04/2014, by Resp: No.2 and Resp: No.10, COC in WP No.853-A/2013 was filed by the appellant with the following prayer; -

***It is prayed that action against the Respondents may graciously be taken they may be proceeded according to law and be punished accordingly and the Resp: No.02 may be ordered to stop the salary of the Resp: No.10 till the final decision of instant Writ Petition.***

10. That the COC was fixed for hearing on 03/06/2015 whereas the following order was passed

***Let Resp: No.2 be directed to appear in person before the Court alongwith his predecessor namely Mian Adil Iqbal on 16/06/2015.***

Copy of COC in Writ Petition No.853-A/2013 and order passed dated 03/06/2015 of hon,able High Court are attached as **Annex:**

***G-1 to G-8.***

11. That, in result of COC proceedings, on 16/06/2015, the hon,able Court passed the following orders-

***The former placed copy of the order dated 11/06/2015 and stated that petitioner has been appointed as junior clerk and his grievances has been redressed. This petition has achieved its purpose and is dismissed as such.*** Copy of appointment order dated 11/06/2015 and Judgment sheet dated 16/06/2015 are attached as **Annex-H1-H2.**

12. That, it is added, initial recruitment process against the post of junior clerk was initiated in response to advertisement dated 25/04/2013 whereas four (4) candidates including appellant were selected on merit, having scoring mentioned in Para-3 above and copy thereof already annexed at annexure--C.

4

Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appoints, Promotion & Transfers) Rules 1989 deals with seniority as follows: -

17—Seniority...(1) The seniority inter se of a civil servant [appointed to a Service, cadre or post], shall be determined: -

a) **In the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission [or, as the case may be, the Departmental Selection Committee], provided that person selected for appointment to post in early selection shall rank senior to the person selected in a later selection;** rules clearly demonstrate that seniority of a civil servant appointed in pursuance of a same selection process is to be determined in the light of merit assigned by the Departmental Selection Committee, in the instant case the seniority of the appellant will be determined alongwith his batch mates selected in response to one and the same selection process through advertisement dated 25/04/2013.

13. That, appellant preferred departmental appeal dated 04/10/2022 to respondent No.2 against withholding of salaries of the appellant and other benefits from the date of initial appointment i.e 19/11/2013 but same was struck down/ rejected on the ground being time bared. Though in matter of pay and pension bar of limitation not being applicable, plea of limitation raised by appellant authority (Respondent No.2) ad no substance. **Copy of departmental Appeal and rejection letter are attached and marked as Annex I to I-3.**

**GROUND:-**

- A. That, cancellation of appointment order of appellant dated 19/11/2013 was unwarranted/ultra vires and without lawful authority, based on strange considerations hence the Hon,able High Court granted Status quo order dated 17/02/2014 as **interim relief**.
- B. That, impugned order dated 11/06/2015 is inconsistency with the directions of Hon,able Peshawar High Court, as revealed from order sheet dated 16/06/2015. Apparently respondent issued a fresh appointment order dated 11/06/2015 without initiating any fresh recruitment process i.e the result of mis-reading, non-reading and misconception of the Court direction, certainly that is the restoration of original appointment order dated 19/11/2013 in result of the writ petition/ COC.
- C. That, The impugned order dated 11/06/2015 is a cause of financial loss, by withholding the salary of appellant from the date of initial appointment as well as badly effect the seniority position of the appellant. It is established principle of justice that no one should be penalized for lapses on the part of authority. If authority committed any irregularity authority should be suffered and not the individual in case of violation, responsibility or burden could not be shifted upon a civil servant for the sack of administrative justice.
- D. That, rejection of departmental appeal on the ground of bar of limitation as it has been held by the Apex Court through various reported Judgements that in matter of pay and pension bar of limitation not being applicable, plea of limitation raised by the authority ad no substance. In this regard the following decision of federal service tribunal and Supreme Court of Pakistan. **Referred to 1984 PLC (C.S) 386, 1987 PLC (C.S) 181 and 1986 PLC (C, S) 66 , 2002 PLC (C.S) 1388 and 2021 SCMR 1230.**

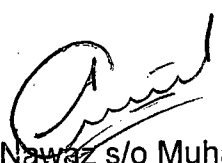
**Prayer:**

It is humbly prayed that on acceptance of instance service appeal that the impugned order dated 11/06/2015 is inconsistency / in contradiction to the direction of Honourable Peshawar High Court and result of mis-reading, non-reading and mis interpretation. More than sufficient material was available to form the view that it was restoration of appointment order dated 19/11/2013 instead of fresh appointment order, withholding the pay of the appellant against the post of junior clerk may please be allowed from 19/11/2013 i.e the date of initial recruitment, having recurring cause of action with all back service benefits including seniority with the same batch/lot of selectee in response to advertisement dated 25/04/2013.

Any other relief which may deems fit and proper according to the circumstances of the case.

**Condonation of delay:**

The instance service appeal involving a financial claim from the appellant/ due salaries, it constituted a recurring cause of action and thus impediment of limitation in filing service appeal would not be applicable. The service appeal is accompanying with detail application for condonation of delay.



Amir Nawaz s/o Muhammad Zarin  
J/C Deputy Commissioner office  
Battagram

**Appellant**


**Through**  
**Muhammad Riaz Swati**  
**Advocate Mansehra**



Dated: 16/11/2022

**Verification**

It is verified that, the contents of the foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this honorable Tribunal.



Amir Nawaz s/o Muhammad Zarin  
J/C Deputy Commissioner office  
Battagram

**Appellant**

Dated: 16/11/2022

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM

(APPELLANT)

**VERSUS**

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

(RESPONDENTS)

**AFFIDAVIT**

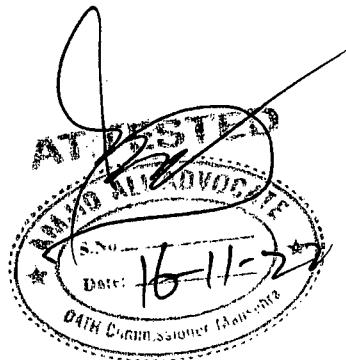
I, AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE BATTAGRAM, do hereby solemnly affirm and declare on oath that, contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is also verified on oath on this day 16th of Nov, 2022 That, contents of above affidavit are true and correct to the best of my knowledge, information and belief.

*(Signature)*  
Deponent

Dated: 16/11 /2022

**IDENTIFIED BY:**

*(Signature)*  
**Muhammad Riaz Khan Swati**  
Advocate, Mansehra





7

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM

**(APPELLANT)**

**VERSUS**

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

**(RESPONDENTS)**

**CONDONATION OF DELAY**

Application for condonation of delay, The instance service appeal involving a financial claim from the appellant/ due salaries, it constituted a recurring cause of action and thus impediment of limitation in filing service appeal would not be applicable, as held in the following reported Judgements 1984 PLC (C.S) 386, 1987 PLC (C.S) 181 and 1986 PLC (C, S) 66 , 2002 PLC (C.S) 1388 and 2021 SCMR 1230.

The bar of limitation is not applicable in the instant appeal, Limitation Act 1908 undoubtedly was penal in nature and rights accrued could not be taken away unless sufficient cause was shown--- technicalities of Law, however, should not stand in the way of a person who had been singled out rather prosecuted without knowing as to crime or sin, he had committed.

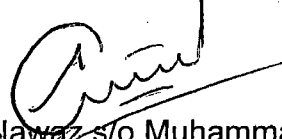
Respectfully Sheweth!

- A. That, this application may please be considered as part and parcel of main service appeal.
- B. That, cancellation of appointment order of appellant dated 19/11/2013 was unwarranted/ultra vires and without lawful authority, based on strange considerations hence the Hon, able High Court granted Status quo order dated 17/02/2014 as **interim relief**.
- C. That, impugned order dated 11/06/2015 is inconsistency with the directions of Hon,able Peshawar High Court, as revealed from Judgment sheet dated 16/06/2015. Apparently respondent issued a fresh appointment order dated 11/06/2015 without initiating any fresh recruitment process i.e the result of misreading , non-reading and misconception of the Court direction, certainly that is the restoration of original appointment order dated 19/11/2013 in result of the writ petition/ COC.
- D. That, The impugned order dated 11/06/2015 is a cause of financial loss, by withholding the salary of appellant from the date of initial appointment as

well as badly effect the seniority position of the appellant. It is established principle of justice that no one should be penalized for lapses on the part of authority. If authority committed any irregularity, authority should be suffered and not the individual, in case of violation, responsibility or burden could not be shifted upon a civil servant for the sack of administrative justice.

- E. That, rejection of departmental appeal on the ground of bar of limitation as it has been held by the Apex Court through various reported Judgements that in matter of pay and pension bar of limitation not being applicable, plea of limitation raised by the authority ad no substance. In this regard the following decision of federal service tribunal and Supreme Court of Pakistan. **Referred to 1984 PLC (C.S) 386, 1987 PLC (C.S) 181 and 1986 PLC (C, S) 66 , 2002 PLC (C.S) 1388 and 2021 SCMR 1230.**

It is therefore, most humbly prayed that claim of the appellant was found to be valid and entitlement of the appellant had been established in judicial proceeding before a Court of Law of competent jurisdiction. Hence condonation of delay may please be granted as service appeal involving a financial claim.



Amir Nawaz s/o Muhammad Zarin  
J/C Deputy Commissioner office  
Battagram

Dated: 16/11 /2022

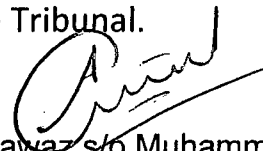
**Appellant**



Muhammad Riaz Swati  
Advocate

**Verification**

It is verified that, the contents of the foregoing application for condonation of delay are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this honorable Tribunal.



Amir Nawaz s/o Muhammad Zarin  
J/C Deputy Commissioner office  
Battagram

**Appellant**

Dated: 16/11 /2022

y

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM

(APPELLANT)

**VERSUS**

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

(RESPONDENTS)

**AFFIDAVIT**

I, AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE BATTAGRAM, do hereby solemnly affirm and declare on oath that contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


It is also verified on oath on this day 16<sup>th</sup> of November 2022 that contents of the above affidavit are true and correct to the best of my knowledge, information and belief.

Dated 16/11 /2022

Identified by:

Muhammad Riaz Khan Swati  
Advocate, Mansehra

  
Deponent

  
16-11-22

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM

(APPELLANT)

VERSUS

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

**SERVICE APPEAL****CORRECT ADDRESSES OF THE PARTIES**

Respectfully Sheweth

Correct addresses of the parties are as under:

APPELLANT

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM**RESPONDENTS**

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

Dated: 16/11/2022  
Amir Nawaz s/o Muhammad Zarin  
J/C Deputy Commissioner office  
Battagram

Appellant

Through

  
Muhammad Riaz Swati  
Advocate Mansehra

# آسامیاں خالی ہیں

دفتر ڈپٹی کمشنر میں درج ذیل آسامیاں پر کرنے کیلئے ضلع بگرام کے سکونتی والی امیدواروں سے مورخہ 03 مئی 2013 تک درخواستیں مطلوب ہیں ضلع بگرام کے سکونتی موزوں امیدوار نہ ہونے کی صورت میں متصل اضلاع کے امیدوار بھی درخواست دے سکتے ہیں۔

نمبر شمار	نام آسامی مع پے سکیل	تعلیمی قابلیت
1	آفس اسٹنٹ (14)	1- گریجویٹ یا اس کے مساوی تعلیم کسی بھی منظور شدہ ادارے سے 2- کمپیوٹر میں ایک سالہ ڈپلومہ 3- کسی دفتر یا ادارے میں کم از کم ایک سالہ تجربہ
2	جونیئر سکیل شینوگرافر (14)	1- BA سیکنڈ ڈویژن یا اس کے مساوی تعلیم کسی بھی منظور شدہ ادارے سے 2- شارٹ ہینڈ انگریزی میں 50 الفاظ اور ٹائپنگ میں 35 الفاظ فی منٹ سپیڈ 3- کمپیوٹر میں MS EXCEL اور MS WORD کا تجربہ بشمول ٹیکسٹ
3	جونیئر کلرک (ریڈر) (7)	1- میٹرک سیکنڈ ڈویژن یا اس کے مساوی تعلیم کسی بھی منظور شدہ ادارے سے 2- انگریزی میں ٹائپنگ سپیڈ 30 الفاظ فی منٹ

شرائط:- 1- تمام تقرر رپاں صوبائی حکومت کی پالیسی کے تحت میرٹ پر ہوں گی۔ 2- عمر کی حد 18 تا 30 سال۔ 3- آفس اسٹنٹ اور جونیئر کلرک کی آسامیاں دفتر ہذا کے ڈسٹرکٹ کنٹرول روم میں دفتری اوقات کار کے بعد ڈیوٹی ادا کرنی ہوگی لہذا مقامی امیدواروں جو ڈسٹرکٹ ہیڈ کوارٹر کے قریب ہوں ترجیح دی جائیگی۔ 4- ٹیسٹ و انٹرویو مورخہ 7 مئی 2013 کو بمقام دفتر زیر دستہ ہوگا۔ 5- پہلے سے سرکاری ملازم اپنے حکمانہ توسط سے درخواستیں دیں۔ 6- تقرری خالصتاً میرٹ کی بنیاد پر ہوں گی۔ 7- ٹیسٹ و انٹرویو میں اصل اسناد ہمراہ لانا لازمی ہے۔ 8- ٹیسٹ و انٹرویو کیلئے آنے والوں کو کوئی TA/DA نہیں دیا جائیگا۔

مشترکہ (کیشن ریٹائرڈ) میاں عادل اقبال ڈپٹی کمشنر ضلع بگرام

INF(P) 1072 Also available on www.khyberpakhtunkhwa.gov.pk

Annex-A

P-19  
Annex-B

P-6

9

P-12

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Annex  
B1

MERIT LIST FOR THE POST OF JUNIOR CLERK (BPS-07) IN THE OFFICE OF DEPUTY COMMISSIONER BATTAGRAM

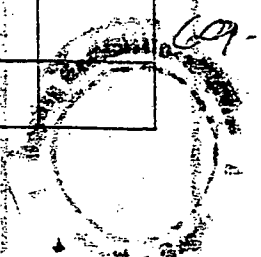
#	Name	Father Name	Domicile	DOB	Prescribed Qualification			Higher Qualification			Written Test -10	Interview 08	Experience Marks-10	Experience in Typing/Computer 10	Total Marks 100	Remarks
					SSC			Total Marks: 12								
					1st Div. (50)	2nd Div (38)	3rd Div (30)	1st stage-06	2nd stage-8	3rd Stage-12						
12	Sardar Bahadar Khan	Qamer zaman K	Batagram	6.1.1986	50	0	0	0	0	12	4	(3) 067	0	0	74	
13	Said Muhammad	Shah Wali Khan	Batagram	2.1.1982	50	0	0	0	0	12	5.4	067	0	46	73.4	
5	M. Idrees	Gul Rehman	Batagram	16.4.1987	50	0	0	6	0	0	7	(4) 06	10	100	77	
10	Amir Nawaz	M.zareen	Batagram	1.10.1986	50	0	0	0	8	0	3.6	07	0	40	71.6	
6	Sharifullah	Faiz Mohd	Batagram	10.4.1992	50	-	0	0	8	0	7	6 07	0	30	71	
2	Isharul Haq	Taj Malook	Batagram	26.3.1988	0	38	0	0	0	12	6.4	06	4	0	70.4	
8	Abdul Basit	M. Ayuob	Batagram		0	38		6	0	0	6.8	06	0	00	68.8	
8	S. Azizullah Shah	S. Jafar Shah	Batagram	3.2.1991	50	0	0	6	0	0	5.6	07	0	01	67.6	
1	Sanullah	Shad M. Khan	Batagram	2.3.1989	50	0	0	0	0	12	5.6	05	04	03	67.6	
8	Samiullah	Umer Zareen	Batagram	13.4.1990	50	0	0	0	8	0	5	06	0	03	67	
0	Iqrar H. Shah	S. Noor Jalal Shah	Batagram	4.4.1988	50	0	0	0	8	0	4	04	04	01	66	
3	Faisal	Badi-Uz-Zaman	Batagram	9.1.1990	50	0	0	0	8		7.6	507	0	02	65.6	
1	Muneeb Alam	Alam Zeb	Batagram	18.3.1994	50	0	0	8	8	0	5.4	06	0	0	65.4	
	Zakir Ali Khan	Sardar Ali Khan	Batagram	1.3.1987	0	38	0	6	8	0	6.4	07	0	0	64.4	

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74  
66.4  
56.8  
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72.6  
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Interview  
Performance  
Experience

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P-13

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34	S. M. Shah	S. Kamal Shah	Batagram	12.9.1993	50	0	0	6	0	0	4.4	05	0	0	64.4
1	M. Arshad	Gultaz Khan	Batagram	1.3.1988	0	38	0	6	0	0	7.8	0	4	5	63.8
17	Niaz Ali Shah	Sultan Room	Batagram	21.1.1988	50	0	0	0	8	0	5.8	06	0	0	63.8
25	Amjad Khan	M. Tahir.	Batagram	1	50	0	0	0	8	0	5.2	06	0	3.5	63.2
36	Irshad Ahmed	Abdul Wahab	Batagram	20.1.1991	50	0	0	0	8	0	4.2	(A) 0	0	0	62.2
43	Ejaz ahmed	Amanullah	Batagram	4.1.1992	50	0	0	0	8	0	4	05	0	0	62
20	Shahid Khan	Muhammad Sharif	Batagram	1.6.1993	50	0	0	6	0	0	5.5	(A) 0	0	0	61.6
58	Amjad Nawaz	M. Nawaz	Batagram	3.3.1988	50	0	0	0	8	0	3.3	06	0	0	61.3
37	Shamsul Haq	M. Ibrahim	Batagram	17.3.1994	50	0	0	6	0	0	4.2	06	0	0	60.2
41	Sajid Ur Rehman	S. Saeedur Rehman	Batagram	10.8.1991	50	0	0	6	0	0	4	06	0	0	60
53	Akhtar Wali	Abdul wali	Batagram	1.3.1989	50	0	0	6	0	0	3.4	06	0	0	59.4
35	M. Juniad	M. Afzal	Batagram	5.1.1995	50	0	0	06	0	0	4.4	07	0	0	58.4
2	Zahee Ahmed	M. Wakil	Batagram	1.4.1989	0	38	0	0	8	0	7.6	07	0	4	57.6
52	M. Uzair	Umer Khitab	Batagram	15.11.1985	0	38	0	0	8	0	3.6	(A) 0	0	8	57.6
7	Tahir Nawaz	M. Nawaz	Batagram	14.6.1984	50	0	0	0	0	0	6.8	(E) 0	0	0	56.8
10	Farooq Khan	M. Afzal Khan	Batagram	5.10.1989	60	38	0	0	8	0	6.4	(A) 0	0	4	56.4
14	Ehsanullah	Abdullah	Batagram	20.2.1990	60	38	0	0	8	0	6.2	0	0	4	56.2



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B-3

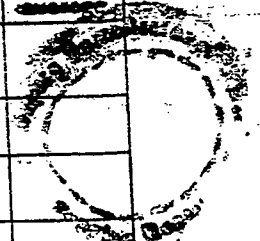
D-14

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P-14

B3  
Page 0

19	Shehad Murtaza	Abdur Rashid	Batagram	3.3.1994	50	0	0	0	0	0	5.6	(A)	0	0	55.6
22	Pir Abid Shah	Abdul Latif Shah	Batagram	18.8.1987	0	38	0	0	8	0	5.6	(A)	0	4	55.4
56	Saifullah Khalid	Juma Gul	Batagram	27.12.1984	50	38	0	0	8	0	3.4	06	0	10	55.3
57	Taleh M	M.Iqbal	Batagram	20.4.1986	0	38	0	0	8	0	3.3	06	0	6	55
27	Hazrat Umer	Ibrahim	Batagram	20.7.1985	0	38	0	0	8	0	5	06	0	4	54.8
29	M. Hanif Khan	Mir Samad Khan	Batagram	3.2.1987	0	38	0	0	8	0	4.8	(A)	0	4	54.8
32	Amier Zada	Ghulam Mohd:	Batagram	6.10.1991	0	38	0	0	8	0	4.8	(A)	0	4	54.4
9	Naseeb Zada	Bakht Jamal	Batagram	25.2.191	0	38	0	0	8	0	6.4	06	0	4	53.8
44	Zahir Muhammad	Sultan	Batagram	1.1.1987	0	38	0	0	8	0	3.8	(A)	0	4	53.8
45	M. Naeem Khan	Abdul Hakeem	Batagram	25.4.1988	0	30	6	0	0	0	3.8	05	4	0	53.6
49	Atif Nawaz	M. Nawaz Khan	Batagram	5.1.1989	0	38	0	0	8	0	3.6	06	0	0	53.2
26	M. Idrees	Nazir Ur Rehman	Batagram	14.7.1992	0	38	0	6	0	0	5.2	05	0	0	52
38	Niaz Ur Rehman	Saeedur Rehman	Batagram	13.8.1992	0	30	6	0	0	0	4	05	0	4	52
39	Wajid Khan	Zafar Ali Khan	Batagram	2.4.1990	0	38	0	6	0	0	4	(A)	0	4	50.8
30	Basharatullah	Saifullah	Batagram	2.2.1990	0	38	0	0	8	0	4.8	(A)	0	0	50.6
33	M. Riaz	Amanullah	Batagram	6.2.1987	0	38	0	0	8	0	4.6	05	0	0	50
15	Khameedullah	Gul Mohd.	Batagram	3.3.1986	0	38	0	6	0	0	6	(A)	0	0	50



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47	Abdullah	Abdul salam	Batagram	28.3.1988	0	38	0	0	8	12	3.8	06	0	49.8	
31	Gul shehzada	Shamroz Khan	Batagram	2.3.1976	0	38	0	6	0	0	4.8	04	04	10	48.8 Average
54	Ajmal M	Faqeer M	Batagram	12.3.1992	0	38	0	6	0	0	3.4	(P)0	0		47.4
55	Ataur Rehman	Adam Khan	Batagram	14.2.1981	0	38	0	6	0	0	3.4	06	0	06	47.4 overage
46	Malik Israr	Momeen Khan	Batagram	6.2.188	0	0	30	0	8	0	3.8	(P)0	0		45.8
48	Waliullah	Saifyul Malook	Batagram	6.1.1991	0	38	0	6	0	0	3.8	06	0		45.5
51	Akhtar Zeb	Alam Z eb Khan	Batagram	1.2.1987	0	0	30	0	8	0	3.5	(P)0	0		45.4
4	Naseeb Khan	Ghulam Jelani	Batagram	7.11.1991	0	38	0	6	0	0	7.4	07	0		44.4
12	Shamroz khan	Najeem Khan	Batagram	4.3.1984	0	38	0	0	0	0	6.4	(P)0	0		44.4
16	Ataullah	Hazrat Ali	Batagram	20.3.1979	0	0	30	0	0	0	5.8	0	10	0	41.8



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41  
 Date of Registration: 25-11-2013  
 Cau: 1-50  
 Jrg: 1-21  
 TO: 10-0-  
 Name: A. J. Khan  
 Date of Birth: 25-11-2013  
 Date of Death: 25-11-2013

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Annex C

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE HELD ON 26.09.2013 AT 10.00 AM IN THE OFFICE OF THE DEPUTY COMMISSIONER BATAGRAM.

In order to fill in 02 vacant post of Jr. Scale Stenographers(B-14) , 02 posts of Office Assistants(B-14) and 02 posts of Junior Clerk(BPS-07) a meeting of Departmental Selection Committee was held on 26.09.2013 at 10.00 AM under the Chairmanship of Deputy Commissioner Batagram in his office. The following attended:-

P-10

1. Mr. Shah Rukh Ali Khan Assistant Commissioner Batagram (Member)
2. Mr. Muhammad Zareef, Assistant secretary(Receipt) Representative of Secretary to Govt: of Khyber Pakhtunkhwa Revenue & Estate Department Peshawar. (Member)

These posts were duly advertised in Daily Newspaper "Roznama Mashriq" dated 25.4.2013 for invitation of applications from eligible candidates up to 3.5.2013. Preliminary written test was held on 9.8.2013. Twelve (12) candidates were appeared in the written test for the post of JSS, out of them 02 candidates have qualified the written/type test while 32 candidates have qualified written test for the post of Office Assistant. 57 candidates have qualified written test for the post of Junior Clerks. For the above mentioned posts candidates were short listed, merit lists were prepared and date for DSC meeting/interview was fixed as 26.9.2013.

JUNIOR SCALE STENOGRAPHER (BS-14).

The committee interviewed the following 02 candidates who have qualified written test for appointments against the vacant posts of Junior Scale Stenographer through proper channel for appointment in the Office of Deputy Commissioner Batagram.

As per rules the candidate having qualification 2<sup>nd</sup> class Bachelor degree or equivalent qualification from recognized university and a speed of 50 words per minute in short hand in English and 35 words per minute in typing as well as knowledge of computer in using MS Word and MS Excel, in the age limit 18 to 30 years are eligible for appointment as Junior Scale Stenographer (BPS-14) by initial recruitment.

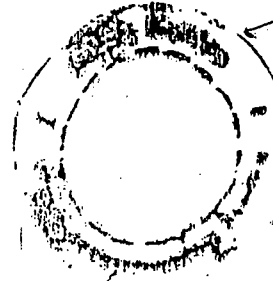
S.No	Name with parentage	Total marks	Obtained marks
1	Mr. Inayatullah s/o Shah Room r/o Batagram	100	79.5
2	Mr. Islamullah s/o Muhibullah r/o Batagram	100	67.7

Their testimonials and other documents etc were checked by the Committee thoroughly and found correct. Hence the committee unanimously recommends the above names for appointment as Jr. Scale Stenographer (BS-14) against vacant posts in the Office of DC Batagram under rules 7(2) (Appointments/Promotion and Transfer Rules-1989) subject to verification of their documents from the concerned institutions.

P-39

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A. J. J.

25/10/2013



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P-17<sup>2</sup>

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OFFICE ASSISTANT (BS-14).

As per budget book-2013-14 in the office of Deputy Commissioner Batagram there are 15 sanctioned posts of Office Assistant (BPS-14). As per rules 75% posts are to be filled in by promotions on the basis of seniority cum fitness amongst SCs with at least 05 years service as SC and JC and 25% by initial recruitment. As per quota of 15 posts 3.75 (4) are to be filled by initial recruitment while 11.25 are by promotion. 11 (eleven) posts have already been filled in through promotion quota from amongst the SCs and 02 by initial recruitment. Thus the present 02 vacant posts of Office Assistant (BS-14) will also be filled in through initial recruitment. The basic qualification for the post is 2<sup>nd</sup> Class Bachelor Degree or equivalent qualification from recognized University. Preliminary test for these 02 vacant posts of Office Assistants (B-14) has already been conducted. For these posts 32 candidates have qualified written test and were short listed. The committee interviewed the candidates and checked their original documents. The First five positioners are as under :

P-11

S.No	Name with parentage	Total marks	Obtained marks
1	Momin Shah s/o Qamar Ali Shah r/o Noshera Batagram	100	96
	Abid Israr s/o Latif Khan r/o Ajmera Tehsil & District Batagram	100	94.8
2	Shah Fahad s/o Rahim Said r/o Bilandkot Batagram	100	81.3
3	Naseer Ahmad s/o Sher Dad r/o Ajmera Battagram	100	79.3
4	Gohar Imtiaz s/o Niaz Muhammad Khan	100	73.3
5	Sujatullah s/o Saifullah r/o Paimal Sharif Battagram.	100	71.6

Mr. Momin Shah s/o Qamar Ali Shah r/o Noshera Batagram secured 1<sup>st</sup> position, but he is overage of 03 years 02 months and 09 days while 03 years relaxation has already been granted to the candidates as belongs to back words areas vide Notification NO.50E-III(E&AD)2-1/2007 dated 01.03.20118 of Government of NWFP(Now Khyber Pakhtunkhwa) Establishment and Administration Department, but the age of candidate( 02 months and 09 days) is more than the prescribed age limit, therefore the committee unanimously did not consider his name for appointment for the post of Office Assistant. So Mr. Abid Israr s/o Latif Khan r/o Ajmera, Tehsil & District Battagram has been considered at 1<sup>st</sup> position while Mr. Shah Fahad s/o Rahim Said r/o Biland Kot , Tehsil & District Battagram 2<sup>nd</sup> Position in the merit list.

Their documents were checked by the committee thoroughly and found correct. Hence the committee unanimously recommends their names for appointment as Office Assistant (BS-14) against vacant posts for District Control Room in the Office of Deputy Commissioner Batagram subject to the verification of their documents from the concerned institutions.

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P-12

JUNIOR CLERKS (BS-07)

As per budget book-2013-14 in the office of Deputy Commissioner Batagram there are 20 sanctioned posts of Jr. Clerks (BPS-07) and as per rules (i) 80% by initial recruitment and (ii) 20% by promotion from amongst the Qasids and holders of equivalent posts who possess SSC 2<sup>nd</sup> Division and have at least 3 year service as such while for initial appointments 2<sup>nd</sup> division in SSC or equivalent qualification from recognized Board and a speed of 30 words per minutes in English typing. As per quota of 16 posts 3.75 (4) are to be filled by initial recruitment while 11.25 are by promotion. 04 (Four) posts have already been filled in by promotion from amongst the Naib Qasids (Class-IV) while 14 posts have already been filled in by initial recruitment. Thus the present 02 vacant posts of JCs are to be filled in through initial recruitment. The merit position of short listed candidates is as under:-

S.No	Name with parentage	Total marks	Obtained marks
1	Muhammd Idrees s/o Gul Rehman r/o Tamai Tehsil & District Batagram	100	79
2	Said Muhammad s/o Shah Wali Khan r/o Chappergram Tehsil & District Batagram	100	78.4
3	Sharifullah s/o Faiz Muhammad r/o Ajmera Battagram	100	74
4	Amir Nawaz s/o Muhammad Zarin r/o Battagram	100	73.6
5	Faisal s/o Badiuzaman Bandigo Battagram.	100	72.6
6	Samiullah s/o Umar Zarin r/o Battagram.	100	72

Mr. Muhammd Idrees s/o Gul Rehman r/o Tamai Tehsil & District Batagram stood 1<sup>st</sup> while Mr. Said Muhammad s/o Shah Wali Khan r/o Chappergram Tehsil & District Batagram stood 2<sup>nd</sup> in the merit list.

Their documents /testimonials were checked thoroughly by the committee and found in order. Hence the committee unanimously recommends name of Muhammad Idrees s/o Gul Rehman for appointment as junior Clerk (BS-07) against vacant posts for District Control Room duties and Said Muhammad s/o Shah Wali Khan as JC(BPS-07) in the office of Deputy Commissioner Batagram subject to the verification of their documents from the concerned institutions.

WAITING LIST.

Two (02) posts of JCs((BS-7) are likely to become vacant. This office has already completed test /interview process and short listed the eligible candidates. In order to save precious timings and expenses of advertisement etc. The following candidates who are next on merit list are kept on waiting list for appointment as JC BS-07) against ht vacant posts of Junior Clerk subject to verification of their documents from concerned institutions.

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P-41

A. Jan  
25/10/2013



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1	Sharifullah s/o Faiz Muhammad r/o Ajmera Battagram	100	74
2	Amir Nawaz s/o Muhammad Zarin r/o Battagram	100	73.6

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The meeting ended with a vote of thanks.

(Mr. Shah Rukh Ali Khan)  
Assistant Commissioner  
Battagram. (Member)

(Muhammad Zareef)  
Assistant Secretary  
Rep; of Secretary Board of Revenue  
Govt: Khyber Pakhtunkhwa,  
Peshawar. (Member)

(Capt. (R) Mian Adil Iqbal)  
Deputy Commissioner,  
Battagram (Chairman)

P-92

A. Jan



25/10/2013

35

Date of Presentation 25/10/2013

Court Fee 1-50

Jurat Fee 1-

Transcription

SEARCHING

TOTAL Fee 10-00

Name of Applicant A. Jan

Date of Issue 25/10/2013

Case No. 25/10/2013

Date of Filing 25/10/2013

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P-20

Annex  
D-1

OFFICE OF THE DEPUTY COMMISSIONER, BATAGRAM

OFFICE ORDER

Based on the recommendation of Departmental Selection Committee in its meeting held on 26-09-2013, the following candidates whose were kept on waiting list are hereby appointed against the vacant posts of Junior Clerks (BPS-07) on usual terms and conditions of the Govt: of Khyber Pakhtunkhwa appointment policy rules/regulation in the Office of Deputy Commissioner Batagram with immediate effect subject to the verification of their educational documents from the concerned institutions. They should produced health & age certificate from the authorized medical attendant.

S.No	Name with Parentage/Address
1	Sharifullah s/o Faiz Muhammad r/o Ajmera Tehsil & District Battagram
2	Amir Nawaz s/o Muhammad Zarin r/o Batagram Tehsil & District Batagram

*sd*  
Deputy Commissioner,  
Batagram

No 1884-92 /AE:

Dated Batagram the 19/11/2013.

Copy forwarded to:

1. The Secretary to Govt: of Khyber Pakhtunkhwa Board of Revenue Peshawar.
2. The District Accounts Officer Batagram for necessary action.
3. The Addl: Deputy Commissioner, Batagram.
4. The Assistant Commissioner, Batagram.
5. The Assistant Commissioner, Allai.
6. The District Nazir DC Office Batagram.
7. Official concerned for compliance.
8. Personal File.

*True Copy*  
*Amir Nawaz*  
Deputy Commissioner,  
Batagram

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DA


Arrival Report

In compliance with the Order of worthy Deputy Commissioner Batagram bearing Endorsement No 1884-92/AE dated 19-11-2013, I submit my arrival report as Junior Clerk (BPS-07 in the office of Deputy Commissioner Batagram) today on 20-11-2013 (F.N).

DA



Amir Nawaz s/o Muhammad Zarin  
Junior Clerk office of the  
Deputy Commissioner, Batagram

True Copy  


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MEDICAL CERTIFICATE.

Name of official

Amir Nawaz

Caste or Race

Swati

Fathers Name

Muhammad Zahir

Resident of Village

Battagram Tehsil & District

Exact Height by measurement

Battagram

5-8"

Date of Birth

08-10-1986

Personal Mark of Identification

AK

Signature of Official

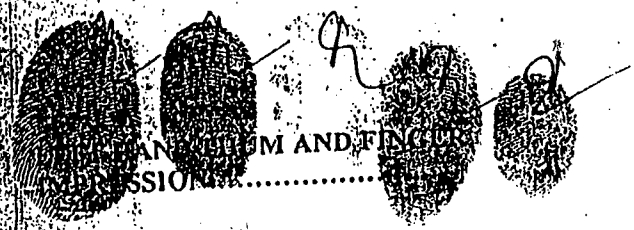
*[Signature]*

Signature of head of office

Signature / Seal of the Office.

I do hereby certify that I have examined Mr Amir Nawaz candidate for employment in the office of (Admn) Department Battagram and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of as above. His/Her age according to his/her own statement 27 years by appearance about Twenty Seven years.



*[Signature]*  
Medical Superintendent  
DHO Hospital Battagram  
2011  
Medical Superintendent  
DHO Hospital Battagram

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P. Jan  
25-11-2013

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Annex  
E

OFFICE OF THE DEPUTY COMMISSIONER BATAGRAM.

OFFICE ORDER.

In partial modification of this office order bearing endorsement NO.1884-92/AE dated 19.11.2013, the following candidate who was kept on waiting list is hereby appointed against the vacant post of Junior Clerk(BPS-07) on usual terms and conditions of the Government of Khyber Pakhtunkhwa appointment policy rules/regulations in the office of Deputy Commissioner Batagram with immediate effect subject to the verification of their educational documents from the concerned institutions. He should produced health and age certificate from the authorized medical attendant.

As result of re-checking and re-counting of numbers this office order NO.1884-92 dated 19.11.2013 in respect of Mr.Amir Nawaz s/o Muhammad Zarin r/o Batagram is hereby cancelled ,due to re-counting/checking of merit marks.

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S.NO.	Name with parentage/address
1	Amjad Khan s/o Muhammad Tahir r/o Chappargram Tehsil & District Batagram

*Sd/-*  
Deputy Commissioner,  
Batagram.

NO. 1903-11/AE: Dated Batagram the 22/11 /2013  
Copy forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa Board of Revenue Peshawar.
2. The District Accounts Officer Batagram for necessary action please.
3. The Additional Deputy Commissioner Batagram.
4. The Assistant Commissioner Batagram.
5. The Assistant Commissioner Allai.
6. The District Nazir of this office.
7. Officials concerned for compliance.
8. Personal File.

*True Copy.*  
*[Signature]*

*[Signature]*  
Deputy Commissioner,  
Batagram.

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Annex  
FI

BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

W.P. No. 853 /2013

Amir Nawaz

V/S

Govt. of KPK etc.

WRIT PETITION

INDEX

S.No.	Description	Annex	Pages
1	Writ petition		1-3
2	Affidavit		7
3	Addresses of the parties		8
3	List of books		9
4	Certificate		10
5	Copies minutes of meeting, office order, arrival reports and medical certificate	"A,B,C&D"	11-18
6	Office order dated 22.11.2013	"E"	19
7	Copies of documents of the petitioner	"F-W"	20-22
8	Court fee Rs. 500/-		23
9	Wakalat Nama		24

Dated: 25/11/13

Petitioner  
Amir Nawaz

True Copy  
Amir Nawaz

Through Counsel

Muhammad Ishaq Batiagrandi  
Advocate High Court  
At Haripur

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P-1  
F.2

BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

W.P. No. 853/A/2013

Amir Nawaz S/O Muhammad Zarin R/O Mohallah Farooq Azam  
Abdali Town-cum-Guli Bagh, Batagram Khas, Tehsil & District  
Batagram. .... PETITIONER

**VERSUS**

- (1) Govt. of Khyber Pakhtunkhwa through Secretary Board of Revenue Peshawar.
- (2) Deputy Commissioner Batagram.
- (3) District Account Officer Batagram.
- (4) Departmental Selection Committee through Deputy Commissioner Batagram
- (5) Muhammad Idrees S/O Gul Rehman R/O Tamai Tehsil & District Batagram.
- ✓(6) Said Muhammad S/O Shah Wali Khan R/O Chappargram, Tehsil & District Batagram.
- (7) Sanaullah S/O Faiz Muhammad R/o Ajmera Tehsil & District Batagram.
- (8) Faisal S/O Badi uz Zaman R/O Village Bandigo Battagram.
- (9) Samiullah S/O Umar Zarin R/O Battagram.
- (10) Anjad Khan S/O Muhammad Tahir R/O Chappargram Tehsil & District Batagram.

..... RESPONDENTS

WRIT PETITION UNDER ARTICLE-199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973 FOR THE DECLARATION TO THE EFFECT THAT THE APPOINTMENT/OFFICE ORDER NO. 1884-92/AE DATED 19.11.2013 OF THE RESPONDENT NO.2 ON THE RECOMMENDATION OF RESPONDENT NO.4 REGARDING THE PETITIONER AND RESPONDENT NO.7 IS ACCORDING TO LAW, RULES, REGULATION SERVICES LAW ON THE BASIS OF WHICH THE PETITIONER CONDUCTED HIS MEDICAL AND THEN MADE ARRIVAL REPORT ON 20.11.2013 AND JOINED HIS SERVICE DUTY AS JUNIOR CLERK BUT LATER ON THE RESPONDENT NO.2 WITHOUT GIVING NOTICE, SHOW CAUSE NOTICE, OPPORTUNITY, WITHOUT HEARING THE PETITIONER, EX-PARTE, UNILATERALLY AND WITHOUT THE RECOMMENDATION OF DPC AGAIN ISSUED THE APPOINTMENT, OFFICE ORDER NO. 1884-92/AE DATED 22.11.2013 OF RESPONDENT NO.10 WITHOUT LAW,

g. No. 5  
g. No. 1  
g. No. 2-5

True Copy  
Amir Nawaz

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WITHOUT JUSTIFICATION, WITHOUT MERIT LIST AS HIS NAME WAS NOT MENTIONED IN THE MERIT LIST OF JUNIOR CLERK BPS-7 ON 26.09.2013 BUT IT WAS LATER ON ILLEGALLY INCLUDED HIS NAME AND HE WAS APPOINTED WITHOUT REASON SO HIS ORDER IS SET ASIDE ABLE WHICH IS NOT MAINTAINABLE AND THE APPOINTMENT ORDER NO.1884-92/AE DATED 19.11.2013 TO THE EXTENT OF PETITIONER IS RESTORABLE IN THE EYE OF LAW, THE APPOINTMENT/OFFICE ORDER REGARDING THE RESPONDENT NO.2 IS ILLEGAL, IGNORING THE MERIT LIST, SERVICES RULES WHICH IS ARBITRARY, DISCRIMINATORY, MANIPULATION NEPOTISM, AND BASED ON POLITICAL INFLUENCE DUE TO WHICH THE WHOLE PROCEEDING IS WITHOUT LAW, SO IS AGAINST THE RIGHT OF PETITIONER WHICH IS ALSO THE VIOLATION OF THE CONSTITUTION ARTICLE-4, 10(A), 19(A), 18 AND 27, SO IS WITHOUT LAWFUL AUTHORITY AND IS OF NO LEGAL EFFECT, AND LIABLE TO BE SET ASIDE AND THE APPOINTMENT ORDER OF THE PETITIONER DATED 19.11.2013 IS REQUIRED TO BE RESTORED WITH ALL BACK BENEFITS.

=====  
*Respectfully Sheweth:-*

Brief facts of the case are as under: -

- (1) That the Respondent No.2 advertised different posts in Daily Newspaper "Mashriq" dated 25.04.2013 for inviting of application from eligible candidates upto 03.05.2013. Preliminary written test was held on 09.08.2013 by the respondent No.2&4 for the post of Junior Scale Stenographer, office Assistant and Junior Clerks. The petitioner and respondent No.5 to 9 also applied for the said post of Junior Clerks. In the list of Junior Clerk total 6 candidates came on merit list out of which the Respondent No.5 & 6 was found in order and order by the Respondent No.2&4 and they unanimously recommended their name and was appointed.
- (2) That the name of Petitioner and Respondent No.7 were kept on waiting list and subsequently Respondent No.2 on the recommendation of Respondent No.4 made their Appointment No.1884-92/AE dated 19.11.2013.

*True Copy*  
*Answer*

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P. 3 F-4

- (3) That in compliance of which the petitioner conducted his medical examination from the MS DHQ Battagram and made arrival report in the office of Respondent No.2. Copies minutes of meeting, office order, arrival reports and medical certificate are annexed as Annexure "A,B,C&D"
- (4) That all the documents of the petitioner i.e. NIC, SSC, F.Sc and BA and other documents are attached as Annexure "F to N"
- (5) That the Respondent No.2 abruptly, clandestinely, in overnight, without justification, law, services rules without giving any notice, opportunity, ex-parte, unilaterally and without the recommendation of DPC meeting and without hearing the petitioner, partially modified the order to the extent of petitioner and issued order No. 1903-1/AE dated 22.01.2013 regarding the Respondent No.10 which is illegal. Copy of order is annexed as Annexure "E"
- (6) That the order of Respondent No.2 is against the law, arbitrary and based on political influence, nepotism, without hearing the petitioner so the petitioner is aggrieved by the office order No. 1903-1/AE dated 22.11.2013 of respondent No. 2 and there is no adequate remedy, so the same is being challenging through the instant write petition inter-alia on the following grounds:-

GROUNDS OF THE WRIT PETITION

- (a) That the appointment order No. 1903-1/AE dated 22.11.2013 of Respondent No.2 regarding the Respondent No.10 is illegal, without merit list, minutes DPC, so this act, proceedings is without lawful authority and is of no legal effect on the rights of

True Copy  
[Signature]

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P-4 F.S

petitioner and the order is not maintainable and liable to be set aside.

- (b) That the office order No. 1884-92/AE dated 19.11.2013 of Respondents No. 2 & 4 is according to law, rules which is liable to be restored as it is according to law, and also recommended by the Respondents No.2&4, and this name were mentioned in the merit list while the name of Respondent No.10 was not mentioned in the merit list. *and also in the same*
- (c) That the order of Respondent No.2 dated 22.11.2013 regarding the Respondent No.10 is illegal, without justification, without merit list as his name was not included in the earlier merit list but without law, his appointment/office order was issued which is arbitrary unilateral, without law and merit list rules which is the result of nepotism, and based on political influence and manipulation, the whole proceeding is wrong and without effect on the right of petitioner, so this order is not sustainable/maintainable and is liable to be set aside.
- (d) That there are so many other grounds which would be agitated at the time of hearing of the instant writ petition.
- (e) That the petitioner has affixed court fee worth Rs. 500/-

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Amit

**INTERIM RELIEF**

Interim relief Under Article 199(2) (b), ii of the constitution 1973 read with Section 151 and order 39 Rule-1&2 of the CPC to the respondent No.2 may graciously be issued direction to suspend the appointment order No. 1903-1/AE dated 22.11.2013 regarding the Respondent No.10 and he may be restrained to perform his duty as Junior Clerk till the decision of this writ

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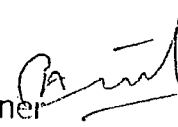
P-5

petition and direction may also be issued to the Respondent No.2, to restore the office order No. 1884-92/AE dated 19.11.2013 and the petitioner may be allowed to perform his duty as junior clerk in the office of Respondent No.2 with all back benefit and payment to the petitioner

**MAIN PRAYER**


It is also prayed that the Respondent No.2 may graciously be issued direction to cancel and set aside the appointment order No. 1903-1/AE dated 22.11.2013 regarding the Respondent No.10 and the appointment order No. 1884-92/AE dated 19.11.2013 to the extent of petitioner may be restored with all back benefit and petitioner may also be allowed to perform his duty as Junior Clerk in the Office of Respondent No.2. Any other remedy which this August High Court deem proper, just and appropriate may graciously be passed against the Respondents No.1,2,3,4&10 in favour of the petitioner.

Dated: 25/11/2013

  
Petitioner  
Amir Nawaz

Through Counsel


Muhammad Ishaq Battagrami,  
Advocate High Court  
At Haripur

True Copy  


**VERIFICATION**

Verified on oath that the contents of this writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 25/11/2013

  
Petitioner  
Amir Nawaz

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P-6

THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

Amir Nawaz V/S Govt. of KPK etc.

WRIT PETITION

AFFIDAVIT

I, **Muhammad Ishaq Battagrami** Advocate High Court counsel for the petitioner do hereby solemnly affirm and declare on oath that as per information provided by my client, the contents of this writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 25/11/12

Deponent  
**Muhammad Ishaq Battagrami**  
Advocate High Court  
Counsel for the petitioner

True Copy  
*[Signature]*



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BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

Amir Nawaz

v/s

Govt. of KPK etc.

WRIT PETITION

ADDRESSES OF THE PARTIES

PETITIONER

Amir Nawaz S/O Muhammad Zarin R/O Mohallah Farooq Azam  
Abdali Town-cum-Guli Bagh, Batagram Khas, Tehsil & District  
Batagram.


RESPONDENTS


- (1) Govt. of Khyber Pakhtunkhwa through Secretary Board of  
Revenue Peshawar.
- (2) Deputy Commissioner Batagram.
- (3) District Account Officer Batagram.
- (4) Departmental Selection Committee through Deputy  
Commissioner Batagram
- (5) Muhammad Idrees S/O Gul Rehman R/O Tamai Tehsil &  
District Batagram.
- (6) Said Muhammad S/O Shah Wali Khan R/O Chappargram,  
Tehsil & District Batagram.
- (7) Sanaullah S/O Faiz Muhammad R/o Ajmera Tehsil &  
District Batagram.
- (8) Faisal S/O Badi-uz-Zaman R/O Village Bandigo Battagram.
- (9) Samiullah S/O Umar Zarin R/O Battagram.
- (10) Amjad Khan S/O Muhammad Tahir R/O Chappargram  
Tehsil & District Batagram.

Dated: 25/11/2012

Petitioner  
Amir Nawaz

Through Counsel

  
Muhammad Ishaq Battagrami  
Advocate High Court  
At Haripur

True Copy  


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F-9  
R. S. S.

BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

Amir Nawaz

V/S

Govt. of KPK etc.

WRIT PETITION

LIST OF BOOKS


- 1 Constitution of Republic of Pakistan 1973
- 2 Other relevant law will be cited in the bar
- 3 Govt. Servant Act 1973 & 74, other services rules, regulation.

Dated: 29/1/17

Petitioner  
Amir Nawaz

True Copy  
Amir

Through Counsel

  
Muhammad Ishaq Battagrami  
Advocate High Court  
At Haripur

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F-10  
P-10

BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

Amir Nawaz

V/S

Govt. of KPK etc.

WRIT PETITION

CERTIFICATE


It is certified that no such like writ petition is submitted except this Writ Petition and also not subjudice in any other court, as information provided by my client.

Dated: 25/11/2017

  
Petitioner  
Amir Nawaz

True Copy  


Through Counsel

  
Muhammad Ishaq Bhattagami  
Advocate High Court  
At Haripur

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PESHAWAR HIGH COURT ABBOTTABAD BENCH  
FORM 'A'  
FORM OF ORDER SHEET

Date 1	Order of the court with signature of Honourable Judge (s) 2
17.4.2014	<p>WP No. 853-A/2013</p> <p>Present: Counsel for the petitioner.</p> <p>***</p> <p>In view of the controversy involved in the matter, let pre-admission notice be issued to the respondents with the direction to produce the entire relevant record regarding marking and awarding of marks to all the candidates.</p> <p><u>Interim Relief</u></p> <p>In the meanwhile status quo be maintained.</p> <p style="text-align: right;">True Copy <i>[Signature]</i></p> <p style="text-align: right;"><i>[Signature]</i></p> <p><i>[Signature]</i> Certified to be True Copy Peshawar High Court Abbottabad Bench Authorised Officer Soc 25 Act 19 (1975)</p>

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Annex  
G+1

BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD.

C.O.C. No. \_\_\_\_\_ /2014  
in writ petition No.853 A/2013

Amir Nawaz S/O Muhammad Zareen R/c Village Batagram Tehsil & District,  
Batagram.

...PETITIONER

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VERSUS

Govt of KPK etc.....

...RESPONDENTS

WRIT PETITION  
INDEX

S.No	Discription	Annexure	Page
1.	C.O.C Petition alongwith Affidavit & Addresses		1-5
2.	Copy of Writ Petition No. 853-A/2013	"A"	6-10
3.	Copy of Writ Petition heading alongwith status-quo order dated 17-04-2014	"B"	11-12
4.	Wakalatnama on behalf of Petitioner in favor of Counsel		13

...PETITIONER

*Tauqir*  
*Amir Nawaz*

*Amir Nawaz*  
Amir Nawaz

Through:

Dated: 27-06-2014

*M. I.*  
(Muhammad Ishaq (Batagrami))  
Advocate High Court, Haripur

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K-1

9-2

BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD.

C.O.C. No. /2014  
In writ petition No. 353 A/2013

P-30

Amir Nawaz S/O Muhammad Zareen R/o Village Batagram Tehsil & District,  
Batagram.

...PETITIONER

VERSUS

Govt of KPK etc.....

...RESPONDENTS

.....  
PETITION FOR CONTEMPT OF COURT UNDER SECTION  
4 OF THE CONTEMPT OF COURT ACT READ WITH  
ORDER 39 RULES 3 CPC AGAINST THE RESPONDENT  
NO.2 DEPUTY COMMISSIONER (ZARAF UL TAHT)  
DISTRICT BATAGRAM & RESPONDENT NO.10 SAJJID  
KHAN S/O MUHAMMAD TAHIR R/O CHAPPERGRAM,  
TEHSIL & DISTRICT BATAGRAM DUE TO THE  
VIOLATION OF STATUS-QUO WHICH WAS ISSUED BY  
THE AUGUST HIGH COURT ABBOTTABAD ON 17-04-  
2014, THEY MAY BE PROCEEDED AND BE PUNISHED  
ACCORDING TO LAW.  
.....

Respectfully Sheweth,

True Copy  
Amir

It is submitted as under:-

1. That, the Petitioner submitted a writ petition No. 353-  
A/2013 against the Respondents and others and also

P-37

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sought an interim relief against the Respondents while the Respondent No.10 is performing his duty in the office of Respondent No.2 but the interim relief was granted and status-quo was graciously issued against them on 17-04-2014 (copy of writ petition and order are annexed as annexure "A" & "B")

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2. That, the copies of the same orders were provided/ conveyed to the Respondents through office as well as the petitioner also provided them the attested copies of the order to the Respondents No. 2 & 10 and they were in knowledge regarding the status-quo which has been issued against them.
3. That, the Respondent No.10 did not restrain the Respondent No.10 from performing his duty but the respondent No.10 is yet performing his duty in the office of Respondent No.2 and he is also paying him the monthly salary and the Respondent No.10 is also not restrained from his performing duty while the status-quo is issued and they deliberately violating and ignoring the order of this August High Court which is illegal and a sheer violation of the status-quo order, so against them under the relevant law the proceeding may be started they may be punished according to law due to the violation order of status-quo dated 17-04-

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*[Signature]*

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2014 and other remedy may kindly be granted in favor of the Petitioner against the Respondents.

PRAYER:

It is prayed that action against the Respondents may graciously be taken they may be proceeded according to law and be punished accordingly and the Respondent No.10 may be ordered to stop the salary of the Respondent No.10 till the final decision of instant writ petition.


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...PETITIONER



Amir Nawaz

Through:

  
Muhammad Ishaq (Batagrami)  
Advocate High Court, Haripur.

True Copy  




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BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD.

C.O.C. No. \_\_\_\_\_ /2014  
In writ petition No. 353 A/2013

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Amir Nawaz S/O Muhammad Zareen R/o Village Batagaram Tehsil & District,  
Batagarm.

...PETITIONER

VERSUS

Govt of KPK etc

...RESPONDENTS

CONTEMPT OF COURT PETITION  
AFFIDAVIT

I, Muhammad Ishaq Batagrami Advocate High Court at  
Haripur counsel for the Petitioner do hereby solemnly affirm and  
declare on oath that the content of C.O.C are true and correct as  
information furnished by my client and nothing has been  
concealed from this August High Court.

Dated: 27-06-2014

DEPONENT

Issue Copy  
*[Signature]*

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BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD.

C.O.C. No. 12014

In writ petition No: 853 A/2013

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Amir Nawaz S/O Muhammad Zareen R/o Village Batagram Tehsil & District,  
Batagram.

...PETITIONER

VERSUS

Govt of KPK etc.....

...RESPONDENTS

CONTEMPT OF COURT PETITION  
ADDRESSES OF THE PARTIES

Respectfully Sheweth,

The addresses of the parties are as under;

Amir Nawaz S/o Muhammad Zareen Village Batagram, Tehsil & District,  
Batagram

....PETITIONER:

1. Deputy Commissioner Batagram (Zareef ul Mani) District Batagram
2. Amjid Khan S/o Muhammad Tahir R/o Chappargram Tehsil & District  
Batagram.

....RESPONDENTS:

*[Signature]*  
...PETITIONER

Through:

*[Signature]*  
Muhammad Ishaq (Batagram)  
Advocate High Court, Haripur.

Dated: 27-06-2014

*True Copy*  
*[Signature]*

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BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD BENCH

Amir Nawaz s/o Muhammad Zarin  
R/O Mohallah Farooq Azam  
Abdali Town-cum Guli Bagh Batagram Khas,  
Tehsil & District Batagram. .... (Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa  
through Secretary Board of Revenue  
Khyber Pakhtunkhwa  
Peshawar and others. .... (Respondents)

WRIT PETITION NO. 853-A OF 2013.

PARA-WISE COMMENTS IN THE SUBJECT WRIT PETITION ARE AS UNDER.

RESPECTFULLY SHEWETH.

PARLIMINARY OBJECTIONS.

- (1) That the petitioner has got no cause of action nor locus standi to file the instant Petition.
- (2) That the petitioner has not come to this Honorable Court with clean hands.
- (3) That the petitioner has concealed material facts from this Honorable Court.

ON FACTS.

1. Correct. This office has invited applications through advertisement in Daily Mashraq for appointments/recruitments against the vacant posts lying vacant in the office of Respondent NO.2.
2. It is submitted that 02 further posts of Junior Clerk (BPS-07) were expected to become vacant due to selection of 02 Junior Scale Stenographer. In order to save precious timings and government

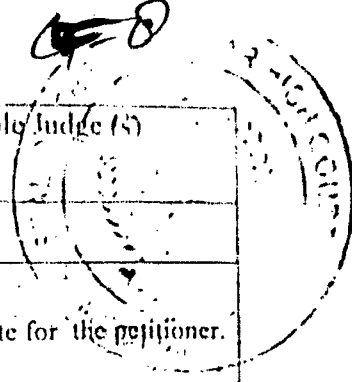
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FORM OF ORDER SHEET

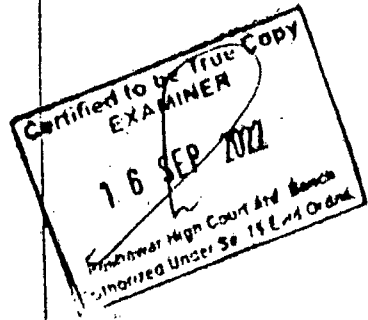
Date	Order of the Court with signature of Honourable Judge (S)
1	2
06.6.2015	<p>WP No. 853-A/2013</p> <p>Present: Mr. Muhammad Ishaq Battagrami advocate for the petitioner.</p> <p>Add: AG for the respondents No. 1 to 4.</p> <p>Nemo for the respondents No. 5 to 9.</p> <p>Sardar Sajjad Ahmed advocate for the respondent No.10.</p> <p>*****</p> <p>Let respondent No. 2 be directed to appear in person before the court alongwith his predecessor namely Mian Adil Iqbal on 16.6.2015.</p>



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True Copy  
*[Signature]*

JUDGE  
 JUDGE



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Annex

H-1

OFFICE OF THE DEPUTY COMMISSIONER BATAGRAM,

OFFICE ORDER.

According to the directions of Honorable Peshawar High Court (DB) Abbottabad Bench dated 03.06.2015 in the Writ Petition NO.853-A/13 titled Amir Nawaz Versus Government of Khyber Pakhtunkhwa and others for appointment of petitioner Amir Nawaz against the vacant post of Junior Clerk.

Therefore Mr. Amir Nawaz s/o Muhammad Zareen r/o Batagram Tehsil & District Batagram is hereby appointed as Junior Clerk in (BPS-11) against the vacant post on usual terms and conditions of the Government of Khyber Pakhtunkhwa appointment policy rules/regulations in the office of the Deputy Commissioner Batagram with immediate effect subject to the verification of his educational documents from the concerned institutions. He should produce health and age certificate from the authorized medical attendant.

*Sd/-*  
Deputy Commissioner,  
Batagram.

NO. 579-85/AE: (DCB) Dated Batagram the 11/6 /2015.

Copy of the above is forwarded for information to:

1. The Honorable Peshawar High Court (DB) Abbottabad Bench for information with reference to the directions referred above please.
2. The Secretary to Government of Khyber Pakhtunkhwa Board of Revenue Peshawar.
3. The Commissioner Hazara Division Abbottabad.
4. The District Accounts Officer Batagram.
5. The Assistant Commissioner Batagram/ Allai.
6. The District Nazir of this office for n/action.
7. Mr. Amir Nawaz s/o Muhammad Zareen r/o Batagram Tehsil & District Batagram for compliance.

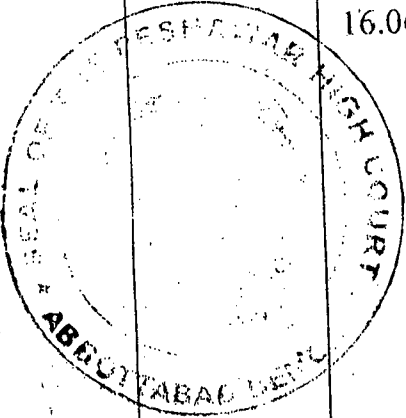
*Blue Copy*  
*Amir*

*[Signature]*  
Deputy Commissioner,  
Batagram.

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PESHAWAR HIGH COURT ABBOTTABAD BENCH.  
FORM "A"  
FORM OF ORDER SHEET



Serial No of order or proceeding	Date of Order or Proceeding
1	2
	16.06.2015

ORDER OF THE COURT WITH SIGNATURE (S) OF HON'BLE JUDGE (S)

3

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WP No.853-A/2013

**Present:** Mr. Muhammad Ishaq Battagrami, Advocate for the petitioner.

Mr. Muhammad Nacem Abbasi, AAG for respondents No.1 to 4.

\*\*\*\*

LAL JAN KHATTAK, J:-

The former placed copy of order dated 11.06.2015 and stated that petitioner has been appointed as junior clerk and his grievance has been redressed. This petition has achieved its purpose and is dismissed as such.

Announced.  
Dt.16.06.2015.

*[Handwritten signature]*

*True Copy*  
*[Handwritten signature]*

*17.6.15*  
*[Handwritten notes]*

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Annex  
I-1

Before

Hon,able Commissioner,  
Hazara Division, Abbottabad.

Through

Proper Channel

Subject:

DEPARTMENTAL APPEAL AGAINST IMPUGNED OFFICE ORDER ISSUED UNDER NO.579-85/AE(DCB) DATED 11/06/2015 BY DEPUTY COMMISSIONER BATTAGRAM WITH REFERENCE TO W.P NO.853-A/13, DISREGARD/INCONSISTANCE TO THE DIRECTION OF HONOURABLE PESHAWAR HIGH COUR ABBOTTABAD BENCH WITH ULTERIOR MOTIVES/ULTRA VIRES, DEPRIVING THE APPELLANT FROM THE PAY OF THE POST OF JUNIOR CLERK W.E.F. 19/11/2013 i.e DATE OF INITIAL RECRUITMENT AFTER COMPLETION OF ENTIRE RECRUITMENT PROCESS, CAUSE OF INFLECTING HUGE FINANCIAL LOSS *WITHHOLDING THE SALARY* AND CONSEQUENTIAL INTER-SE-SENIORITY OF THE APPELLANT ON THE BASIS OF MERIT ASSIGNED TO THE SELECTEES IN RESPONSE TO ADVERTISEMENT DATED 25/04/2013.

Respected Sir,

Brief facts leading to the present departmental appeal having recurring cause of action being involved financial matter/found to be valid and entitlement of the appellatant for the pay of the post of junior clerk had been established in judicial proceeding before a court of law of competent jurisdiction: -

1. That, Deputy Commissioner, Battagram invited applications through Daily Mashriq dated 25/04/2013 for recruitment against various posts including Junior Clerks, copy attached as **Annex: A**
2. That, after completion of due recruitment process in response to advertisement dated 25/04/2013, office of Deputy Commissioner Battagram prepared merit list for the post of Junior clerk (BPS-7), whereas the name of the appellatant stood at S.No.04 of the merit list with scoring position of 73.6, copy of merit list containing four pages are attached as **Annex-B-1 to B-4**.
3. That, meeting of Departmental Selection Committee was held on 26/09/2013 in the office of Deputy Commissioner Battagram, the Committee interviewed the candidates and checked their original documents, the merit of shortlisted candidates is as under: -

<u>S.No</u>	<u>Name with Parentage</u>	<u>Total Marks</u>	<u>Obtained marks</u>
01.	Muhammad Idrees s/o Gul Rehman	100	79
02.	Said Muhammad s/o Shah wali khan	100	78.4
03.	Sharifullah s/o Fiaz Muhammad	100	74
04.	Amir Nawaz S/o Muhammad Zarin	100	73.6
05.	Faisal s/o Badiuz Zaman	100	72.6
06.	Samiullah s/o Umar Zarin	100	72

Copy of minutes of DSC meeting dated 26/09/2013 is attached as **Annex-C1 to C4**

4. That, consequent upon the approval/recommendations of DSC, appointment of the appellatant & others against the post of junior clerk were issued by Deputy Commissioner Battagram vide No.5884-92/AE dated 19/11/2013. Copy of appointment order, arrival report dated 20/11/2013 and Medical Fitness certificate dated 20/11/2013 are attached as **Annex: D-1 to D-3** respectively.

True Copy  
A

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I-2  
2

5. That, the then hon,able Deputy Commissioner Battagram passed another appointment order vide No.1903-1/AE dated 22/11/2013 appointing one

Mr. Amjid Khan S/O Muhammad Tahir, stood at S.No.25 of the merit list (copy of merit list already annexed as annexure B-1 to B-4) with total scoring 63.2 under strange consideration, enhancing his scoring from 63.2 to 72.7 through tempering against respective column of candidate, just to extend un-authorized relief of appointment to blue eyed candidate, without placing his case before DPC in utter violation of recruitment process.

6. That, It is further added that in the same order the Deputy Commissioner cancelled appointment order of the appellant dated 19/11/2013 in a highly capricious manner. The name of the appointee, Mr. Amjid Khan was even not shortlisted nor placed his case before DSC. The relevant excerpt of cancellation order is re-produced as below: -

***As a result of re-checking and re-counting of numbers, this office order No.1884-92 dated 19/11/2013 in respect of Mr. Amir Nawaz s/o Muhammad Zarin r/o Battagram is hereby cancelled due to re-counting/checking of merit marks. Copy of order dated 22/11/2013 is attached as Annex: E.***

7. That, being aggrieved due to cancellation of appointment order of the appellant, the appellant filed Writ Petition No.853-A/2013 before the Peshawar High Court Abbottabad Bench against the impugned order dated 22/11/2013 for restoration of original appointment order issued in favour of appellant vide No.1884-92/AE dated 19/11/2013 with the following main prayer: -

***It is also prayed that the Respondent No.2 may graciously be issued direction to cancel and set aside the appointment order No.1903-1/AE dated 22/11/2013 regarding the Respondent No.10 and the appointment order No.1884-92/AE dated 19/11/2013 to the extent of petitioner may be restored with all back benefit and petitioner may also be allowed to perform his duty as junior clerk in the office of Respondent No.2. Any other remedy which this August High Court deem proper, just and appropriate may graciously be passed against the Respondents No.1,2,3,4 &10 in favour of the petitioner.***

**Request for INTERIM RELIEF was made as under: -**

Interim relief under Article 199(2)(b)-ii of the Constitution 1973 read with Section 151 and order 39 Rule 1&2 of the CPC to the Respondent No.2 may graciously be issued directions to suspend the appointment order No.1903-1/AE dated 22/11/2013 regarding the Responded No.10 and he may be restrained to perform his duty as a junior clerk till the decision of this Writ Petition and direction may also be issued to the Respondent No.2, to restore the office order No.1884-92/AE dated 19/11/2013 and the petitioner may be allowed to perform his duty as Junior clerk in the office of Resp: No.2 with all back benefits and payments to the petitioner.

8. The case was fixed for hearing on 17/07/2014, whereas the hon,able Peshawar High Court passed the following order: -

***In view of controversy involved in the matter, let pre-admission notice be issued to the Respondents with the direction to produce the entire relevant record regarding marking and awarding of marks to all the candidates.***

True Copy  
Amir



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Interim Relief

*In the meanwhile, status quo be maintained.*

Copy of Writ Petition No.853-A/2013 and order of the hon,able High Court dated 17/04/2014 thereon are attached as **Annex: F-1 to F-11.**

9. That, due to non-compliance of the Court orders/violation of STATUS QUO, which was granted by the August High Court Abbottabad on 17/04/2014, by Resp: No.2 and Resp: No.10, COC in WP No.853-A/2013 was filed by the appellatant with the following prayer; -

***It is prayed that action against the Respondents may graciously be taken they may be proceeded according to law and be punished accordingly and the Resp: No.02 may be ordered to stop the salary of the Resp: No.10 till the final decision of instant Writ Petition.***

10. That the COC was fixed for hearing on 03/06/2015 whereas the following order was passed

***Let Resp: No.2 be directed to appear in person before the Court alongwith his predecessor namely Mian Adil Iqbal on 16/06/2015.***

Copy of COC and Writ Petition No.853-A/2013 and order passed dated 03/06/2015 of hon,able High Court are attached as **Annex: G-1 to G-8.**

11. That, in result of COC proceedings, on 16/06/2015, the hon,able Court passed the following orders-

***The former placed copy of the order dated 11/06/2015 and stated that petitioner has been appointed as junior clerk and his grievances has been redressed. This petition has achieved its purpose and is dismissed as such.*** Copy of appointment order dated 11/06/2015 & order sheet dated 16/06/2015 are attached as **Annex-H1&H2.**

12. That, it is added, initial recruitment process against the post of junior clerk was initiated in response to advertisement dated 25/04/2013 whereas four (4) candidates including appellatant were selected on merit, having scoring mentioned in Para-3 above and copy thereof already annexed at annexure—C1 to C-4.

Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appoints, Promotion & Transfers) Rules 1989 deals with seniority as follows: -

17—Seniority,..(1) The seniority inter se of a civil servant [appointed to a Service, cadre or post], shall be determined: -

- a) In the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission [or, as the case may be, the Departmental Selection Committee], provided that person selected for appointment to post in early selection shall rank senior to the person selected in a later

True Copy  
[Signature]

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**selection**; rules clearly demonstrate that seniority of a civil servant appointed in pursuance of a same selection process is to be determined in the light of merit assigned by the Departmental Selection Committee, in the instant case the seniority of the appellant will be determined alongwith his batch mates selected in response to one and the same selection process through advertisement dated 25/04/2013.

In the light of foregoing arguments and proceedings of hon,able Peshawar High Court Abbottabad Bench in WP No.853-A/2013 and further COC in the instant Writ Petition, it has been established: -

- a) That, cancellation of appointment order of appellant dated 19/11/2013 was unwarranted/ultra vires and without lawful authority, based on strange considerations hence the Hon,able High Court granted Status quo order dated 17/02/2014 as **interim relief**.
- b) That, impugned order dated 11/06/2015 is in consistence with the directions of Hon,able Peshawar High Court, as revealed from order sheet dated 16/06/2015. Apparently respondent issued a fresh appointment order dated 11/06/2015 without initiating any fresh recruitment process i.e the result of mis-reading , non-reading and misconception of the Court direction, certainly that is the restoration of original appointment order dated 19/11/2013 in result of the writ petition/ COC.
- c) The impugned order dated 11/06/2015 is a cause of financial loss, by withholding the salary of appellant from the date of initial appointment as well as badly effect the seniority position of the appellant. It is established principle of justice that no one should be penalized for lapses on the part of authority. If authority committed any irregularity, authority should be suffered and not the individual, in case of violation responsibility or burden could not be shifted upon a civil servant for the sack of administrative justice.

It is humbly prayed that more than sufficient material was available to form the view that it was restoration of appointment order dated 19/11/2013 instead of fresh appointment order, pay of the appellant against the post of junior clerk may please be allowed from 19/11/2013 i.e the date of initial recruitment, having recurring cause of action with all back service benefits including seniority with the same batch/lot of selectee in response to advertisement dated 25/04/2013.

  
Amir Nawaz s/o Muhammad Zarin  
J/C Deputy Commissioner office  
Battagram

Dated: 04 / 10 / 2022

  
True Copy  


MOST IMMEDIATE



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I-5  
OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

No:10/2(M) Reader/12024-25.  
Dated 20/10/2022

To

✓  
Mr. Amir Nawaz S/o Muhammad Zarin,  
JC Deputy Commissioner Office. Batagram.

Subject:

**DEPARTMENTAL APPEAL AGAINST IMPUGNED OFFICE ORDER ISSUED UNDER NO. 579-85/AE (DCB) DATED: 11/06/2015 BY THE DEPUTY COMMISSIONER, BATAGRAM WITH REFERENCE TO W.P.NO-853-A/13. DISREGARD/INCONSISTENCE TO THE DIRECTION OF HONORABLE PESHAWAR HIGH COURT ABBOTTABAD BENCH WITH ULTERIOR MOTIVES/ULTRA VIRES, DEPRIVING THE APPLICANT FROM THE PAY OF THE POST OF JUNIOR CLERK W.E.F. 19/11/2013 I.E. DATE OF INITIAL RECRUITMENT AFTER COMPLETION OF ENTIRE RECRUITMENT PROCESS, CAUSE OF INFLICTING HUGE FINANCIAL LOSS WITHHOLDING THE SALARY AND CONSEQUENTIAL INTER-SE-SENIORITY OF THE APPELLANT ON THE BASIS OF MERIT ASSIGNED TO THE SELECTEES IN RESPONSE TO ADVERTISEMENT DATED: 25/04/2013**

I am directed to refer to your subject appeal dated: 04/10/2022 and to state that subject appeal is not maintainable under Section-22 of Civil Servant Act-1973 as the same is strongly time barred and filed before the appellant forum after lapse of 07 years.

*True Copy*  
  
Assistant to Commissioner (Rev/GA)  
Hazara Division Abbottabad

Endst: Even No & Date

Copy forwarded to the PS to Commissioner, Hazara Division, Abbottabad.

Assistant to Commissioner (Rev/GA)  
Hazara Division Abbottabad

K-50

Amir N  
J

Dated: \_\_\_/\_\_\_/2022

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE  
BATTAGRAM

(APPELLANT)

VERSUS

1. DEPUTY COMMISSIONER DISTRICT BATTAGRAM.
2. COMMISSIONER, HAZARA DIVISION, ABBOTTABAD.

**Respondents**

I/We, AMIR NAWAZ S/O MUHAMMAD ZARIN J/C DEPUTY COMMISSIONER OFFICE BATTAGRAM do hereby appoint and constitute **MUHAMMAD RIAZ khan SWATI ADVOCATE, MANSEHRA** to appear, plead, act compromise, withdraw or refer to arbitration for me/us as my/our counsel/advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated 16/11 /2022

  
CLIENT(S)

**ACCEPTED**

  
**MUHAMMAD RIAZ SWATI  
ADVOCATE**

Office No.17, Faisal Arcade Punjab  
Chowk Mansehra

Contact # 03335060225