

07.10.2022

Appellant alongwith his counsel present Mr. Muhammad Jan, District Attorney for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 7, therefore, notices be issued to them as well as their counsel through registered post and to come up for arguments on 11.11.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



(Salah-Ud-Din)
Member (J)
Camp Court Swat

07.07.2022

Counsel for the appellant present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 03.08.2022 before D.B at Camp Court, Swat.



(Fareeha Paul)
Member(E)
Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

3.8.22

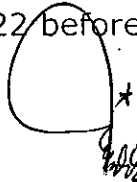
due to summer vacation the case is adjourned to 8-9-22 for the former



08.09.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to some domestic engagement. Adjourned. To come up for arguments on 07.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat

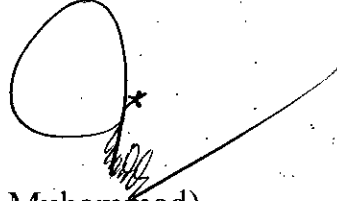


(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

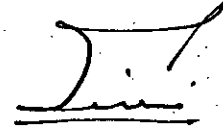
13.05.2022

Appellant in person present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 07.06.2022 before the D.B at camp court Swat. .



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Swat

07.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 08.06.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

8th June, 2022

None for the appellant present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Counsel are on strike. To come up for arguments on 07.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)

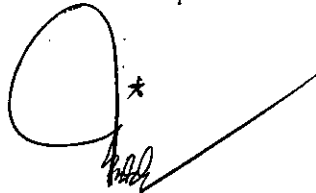


(Kalim Arshad Khan)
Chairman
Camp Court Swat

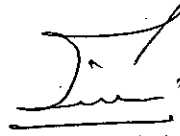
06.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents and private respondents 4 and 6 present.

Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned. To come up for arguments on 10.02.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Swat

10.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 07.04.2022 for the same as before at Camp Court Swat.

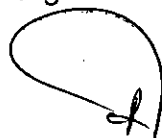


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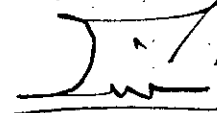
07.04.2022

Appellant along with his counsel present. ^{Mr. Sangam Khan, Supt.} Mr. Noor Zaman ^{along with} Khattak, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he is proceeding for appearance in cases before Hon'ble Peshawar High Court, Mingora Bench (Dar-UI-Qaza) Swat, therefore, an adjournment may be granted. Adjourned. To come up for arguments on 13.05.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat



(Salah-Ud-Din)
Member (J)
Camp Court Swat

07/04/2021

Due to COVID-19, the case is adjourned to

09/06/2021 for the same.


READER

09/06/21

Due to non availability of the bench
the case is adjourned to 07/12/21.

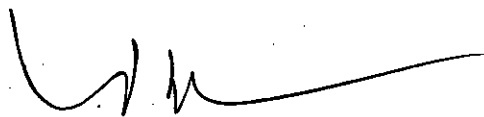

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07.12.2021

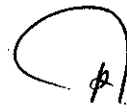
Appellant present in person.

Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

Former made a request for adjournment as his counsel (Barrister Adnan Khan) is busy before Daraul Qaza. Request is allowed and case is adjourned for arguments on 06.01.2022 before D.B at Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat



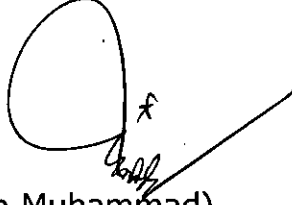
(Rozina Rehman)
Member (J)
Camp Court, Swat

03.02.2021

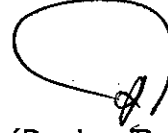
Nemo for parties.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Preceding date was adjourned on account of Covid-19, therefore, notice be issued to parties for 07.04.2021 for arguments before D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court, Swat

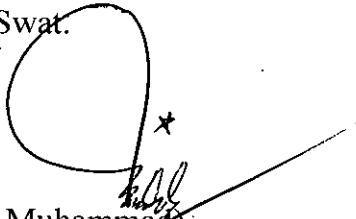


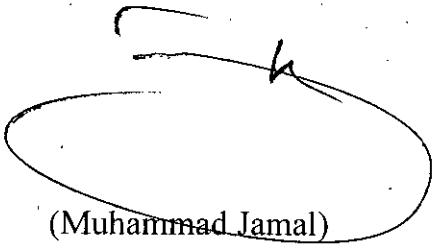
(Rozina Rehman)
Member (J)
Camp Court, Swat

07.10.2020


Appellant in person alongwith his counsel Mr. Adnan Khan, Advocate is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Shahid Sangam, Superintendent for official respondents and counsel for private respondents No. 4 to 7 present.

Arguments addressed by the learned counsel for the appellant, learned Assistant Advocate General and learned counsel for private respondents No. 4 to 7 heard. It was during the course of arguments that relevancy of High Court rules and order to the matter in issue arose. Since no assistance in the light of the referred to rules and order was provided, therefore, learned counsel for the appellant is seeking time to make preparation for the remaining arguments. Requested for adjournment. The case is adjourned to 09.12.2020 on which to come up for remaining arguments vis-à-vis the High Court Rules and order before D.B at camp court Swat.

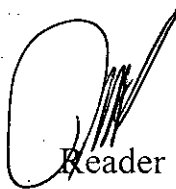

(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)
Camp Court Swat

09.12.2020


Due to Covid-19, case is
adjourned to 03.02.2021 for
the same as before.

Reader.

03.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 08.07.2020, at camp court Swat.



Reader

08.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 09.09.2020, at camp court Swat.



Reader


09.09.2020 Appellant ~~in Person~~ present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment as his counsel is busy before Peshawar High Court; granted. To come up for arguments on 07.10.2020 before D.B at Camp Court, Swat.




(Attiq ur Rehman)
Member (E)
Camp Court, Swat




(Rozina Rehman)
Member (J)
Camp Court, Swat

04.02.2020 Appellant in person present. Private respondents No.4 to 7 in person present. Written reply on behalf of respondents No.4 to 7 still awaited. The said respondents requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 04.03.2020 before S.B at Camp Court Swat.


Member
Camp Court, Swat.

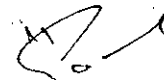
04.03.2020 Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Khurshid Superintendent for official respondents present. Learned counsel for private respondents No.4 to 7 present. Written reply of official respondents already placed on file. Learned counsel for private No.4 to 7 relied upon the reply of official respondents No.1 to 3. Adjourn. To come up for rejoinder if any and arguments on 04.05.2020 before D.B at Camp Court, Swat.


Member
Camp Court, Swat.

Due to corona virus tour to camp court swat has been cancelled to come up for the same on 3.6.2020

03.12.2019

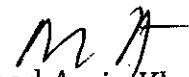
Appellant with counsel present. Muhammad Adnan Assistant (for respondent No.1) present and submitted written reply/comments on behalf of the said respondent. Shahid Sangam Assistant (for respondents No.2 & 3) present and stated that respondents No.2 & 3 rely on the reply submitted on behalf of respondent No.1. No one present on behalf of private respondents. Notice be issued to private respondents i.e. respondents No.4 to 7 for submission of written reply/comments. Adjourn. To come up for written reply/comments on behalf of private respondents on 07.01.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat

07.01.2020

Appellant in person present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Khurshid, Superintendent for official respondents No. 1 to 3 and Mr. Abdul Nasir, Advocate on behalf of private respondents No. 4 to 7 present and submitted Vakalatnama. Written reply on behalf of official respondents No. 1 to 3 has already been submitted while learned counsel for private respondents No. 4 to 7 requested for further time to file written reply/comments. Case to come up for written reply/comments on behalf of private respondents No. 4 to 7 on 04.02.2020 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.09.2019

Appellant with counsel present. Preliminary arguments heard.

The appellant (Process Server) has filed the present service appeal being aggrieved against the promotion order dated 08.12.2018 on the ground that he despite being fit for promotion on the basis of seniority cum fitness and having obtained a handsome score in the requisite test, he was not promoted as Junior Clerk rather his junior colleagues, arrayed as respondents No.4 to 7 were promoted.


Points urged need consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 04.11.2019 before S.B at Camp Court, Swat.

Appellant Deposited
Security & Process Fee


Member
Camp Court, Swat

04.11.2019

Appellant in person present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Shahid Sangar, Assistant Clerk of Court for official respondents No. 1 to 3 and private respondents No. 4 to 7 in person present. Written reply on behalf of respondents not submitted. Representative of official respondents as well as private respondents requested for further time for filing of written reply/comments. Adjourned to 03.12.2019 for written reply/comments before S.B at Camp Court Swat.

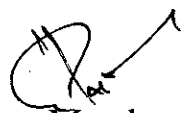

(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

12.06.2019

Appellant present. Learned counsel for the appellant present. Heard.

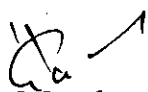
Learned counsel for the appellant argued inter-alia that the appellant (Process Server) was deprived from promotion to the post of Junior Clerk without any valid reason; that neither principle of seniority cum fitness was observed nor criteria of selection on merit was taken into account; that the officials senior to the appellant though obtained less marks, were promoted and officials junior to the appellant who obtained higher marks were also promoted; that the promotion order is arbitrary and needs to be revisited.

Copy of impugned promotion order is not found available on file. Learned counsel for the appellant seeks adjournment to furnish copy of the same. Adjourn. To come up for requisite document/impugned promotion order and further preliminary arguments on 03.07.2019 before S.B at Camp Court, Swat.


Member
Camp Court, Swat.

03.07.2019

Appellant in person present and submitted promotion order dated 08.12.2018 placed on file, requested for adjournment on the ground that his counsel has gone abroad and also submitted application to this effect. Adjourned to 04.09.2019 for before S.B at Camp Court Swat.


Member
Camp Court, Swat.

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

Service Appeal No. 540 of 2019

Muhammad Iqbal s/o Amir Nawaz, Process Server, District Courts,
Swat.

..... **Appellant**

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 668

Dated 26-4-2019

- 1) Registrar Peshawar High Court Peshawar.
- 2) District and Sessions Judge/Zilla Qazi Swat.
- 3) Senior Civil Judge/A'alla Illaqa Qazi Swat.
- 4) Rahmat Ali s/o Bakht Zamin, Junior Clerk, District Courts Swat.
- 5) Sana Ullah s/o Saeed-ur-Rehman, Junior Clerk, District Courts Swat.
- 6) Naveed Iqbal s/o Muqadar Khan, Junior Clerk, District Courts Swat.
- 7) Adil Ali Shah s/o Syed Inayat Ali Shah, Junior Clerk, District Courts Swat.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974.**

Respectfully sheweth,

- 1) That the appellant was appointed as Process Server in District Judiciary Swat on 01-09-2003. Since his appointment, the appellant has been serving against the said post without any further promotion as yet.
- 2) That some posts of Junior Clerks/Naib Nazirs (BPS-11) fell vacant under the domain of Senior Civil Judge Swat, which

Filed to-day

Registrar

26/4/19

were to be filled by promotion on the basis of seniority-cum-fitness.

- 3) That the respondent No. 1 ordered constitution and holding of DPC for filling up the above mentioned posts, for which working paper was also prepared (Copy of working paper is attached as Annexure "A").
- 4) That as per the working paper, twenty one (21) candidates were listed, wherein the appellant appeared at S.No.5 on the basis of his seniority.
- 5) That upon the directions of the respondent No.1 communicated vide letter **No.19657-19706/DSC/Admin** dated **09-12-2017** a test was to be conducted containing a few easy questions and common general knowledge of Pakistan in order to sift the competent from incompetent employees (Copy of letter dated 09-12-2017 is attached as Annexure "B").
- 6) That the requisite test was conducted under the supervision of the respondent No. 3, wherein the appellant participated and scored 89 marks out of 100. The same has been reflected in minutes of the meeting of the DPC (Copy of minutes of DPC are attached as Annexure "C").
- 7) That despite being fit for promotion on the basis of seniority-cum-fitness and having obtained a handsome score in the requisite test, the appellant was not recommended for promotion by the DPC. Rather his junior colleagues, who have been arrayed as respondents No. 4 to 7 were promoted.
- 8) That to agitate his rights before the relevant forum, the appellant filed a representation before the respondent No. 1 (Copy of memo of representation is attached as Annexure "D").

- 9) That despite the lapse of the statutory period, the aforementioned representation has not been responded to as yet. Hence this appeal, inter alia, on the following grounds.

GROUNDS:

- A) That the impugned recommendation, whereby the appellant was not recommended for promotion and non-deserving employees were promoted is illegal, hence, the same is liable to be set aside.
- B) That the appellant is having the seniority, competence and fitness for promotion, hence, deserves to be promoted as JC/Naib Nazir (BPS-11).
- C) That no doubt, the Honourable High Court has mandated a test for such like promotions, however, the test may not be taken as a sole criterion for promotion.
- D) That as per the relevant rules, seniority and fitness of a candidate is to be seen for the purpose of promotion. By virtue of the impugned order, seniority has been ignored altogether and the test has been taken as a sole criterion (Copy of relevant criteria is attached as Annexure "E").
- E) That even some officials who have been promoted by virtue of impugned order were not qualified for such promotion. For instance amongst the promotees, respondent No. 5 was deficient in terms of the requisite three years experience. Likewise, the respondents No. 4 and 5 were lower in score in the requisite test. Hence, on this score as well, the impugned order is liable to be revisited.

- F) That the appellant has served his parent department for sixteen long years, has spotless service record and there has been nothing adverse against him.
- G) That further grounds with leave of this Honourable Tribunal will be raised at the time of oral submissions.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned recommendation of DPC and promotion order dated 08-12-2018 to the extent of appellant be revisited. Consequently, the appellant may be promoted as JC/Naib Nazir in his order of seniority with all back benefits.

Appellant


Muhammad Iqbal

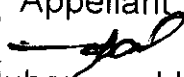
 Through Counsel


**Dr. ADNAN KHAN, Barrister-at-Law.
Advocate Supreme Court of Pakistan.**

CERTIFICATE:

Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant


Muhammad Iqbal

 Through Counsel

**Dr. ADNAN KHAN, Barrister-at-Law.
Advocate Supreme Court of Pakistan.**

5

BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2019

Muhammad IqbalAppellant

VERSUS

Registrar PHC and others

.....Respondents

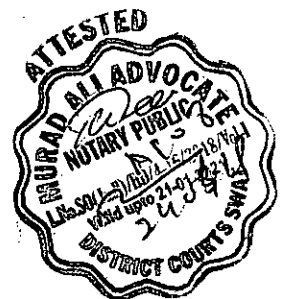
AFFIDAVIT

I, Muhammad Iqbal s/o Amir Nawaz, (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'able Tribunal or elsewhere on this subject matter

DEPONENT



Muhammad Iqbal



6

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

Service Appeal No. _____ of 2019

Muhammad Iqbal s/o Amir Nawaz, Process Server, District
Courts, Swat.

..... **Appellant**

VERSUS

Registrar Peshawar High Court Peshawar and others.

..... **Respondents**

ADDRESSES OF THE PARTIES

APPELLANT:

Muhammad Iqbal s/o Amir Nawaz, Process Server, District
Courts, Swat (Cell # 03463869339)

RESPONDENTS:

- 1) Registrar Peshawar High Court Peshawar.
- 2) District and Sessions Judge/Zilla Qazi Swat at Gulkada.
- 3) Senior Civil Judge/A'alla Illaqa Qazi Swat at Gulkada.
- 4) Rahmat Ali s/o Bakht Zamin, Junior Clerk, District Courts Swat.
- 5) Sana Ullah s/o Saeed-ur-Rehman, Junior Clerk, District Courts Swat.
- 6) Naveed Iqbal s/o Muqadar Khan, Junior Clerk, District Courts Swat.
- 7) Adil Ali Shah s/o Syed Inayat Ali Shah, Junior Clerk, District Courts Swat.


Appellant

Through Counsel


Dr. ADNAN KHAN, Barrister-at-Law.
Advocate Supreme Court of Pakistan.

WORKING PAPER FOR PROMOTION

Name of the Establishment: SENIOR CIVIL JUDGE/A'ALA ILAQA QAZI, SWAT

Promotion to the Post of: JUNIOR CLERKS/NAIB NAZAR BPS-11

To be filled in from amongst: BAILLIFFS, BPS-06 OR PROCESS SERVERS BPS-05

Vacant Positions=07

Date for D.P.C : - 08-12-2018

⑦

Ann 'A'

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	Present Post held since	Date of joining the service	First Appointment as	Date of Birth	Duration of Govt. service as on 16.11.2018 dd/mm/yy	Year of Acquiring SSC	Typing Speed (WPM)	Short Hand Speed (WPM)	Qualification Division	Performance Evaluation									Remarks
												2015			2016			2017			
												Average	Good	Very Good	Average	Good	Very Good	Average	Good	Very Good	
1	Rahmat Ali s/o Bakht Zmin	Bailiff	01.09.2003	02.08.1999	Process Server	16.04.1978	29.00.04 as PS 14.02.15 as Bailiff	1996	-	-	SSC	-	✓	-	-	✓	-	-	✓	-	
2	Javed Iqbal s/o Ghulam Nabi	Bailiff	01.09.2003	11.01.2000	Process Server	16.09.1981	20.07.03 as PS 14.02.15 as Bailiff	1997	-	-	B.A	-	✓	-	-	✓	-	-	✓	-	
3	Sana Ullah s/o Saeed Ur Rahman	Bailiff	04.02.2017	01.01.2000	Process Server	08.02.1981	02.01.17 as PS 10.09.01 as Bailiff	2014	-	-	F.A	-	✓	-	-	✓	-	-	✓	-	
4	Muhammad Jamal s/o Toti	Process Server	01.09.2003	01.09.2003	Process Server	01.01.1969	14.02.15 as PS	1986	-	-	B.A	-	✓	-	-	✓	-	-	✓	-	
5	Muhammad Iqbal s/o Amir Nawaz	Process Server	01.09.2003	01.09.2003	Process Server	09.05.1970	14.02.15 as PS	1986	-	-	B.A	-	✓	-	-	✓	-	-	✓	-	
6	Muhammad Ibrahim s/o Shah Bahadar	Process Server	01.09.2003	01.09.2003	Process Server	02.05.1969	14.02.15 as PS	1987	-	-	B.A	-	✓	-	-	✓	-	-	✓	-	
7	Samiullah s/o Sakhi Khan	Process Server	17.09.2009	17.09.2009	Process Server	05.02.1971	28.01.09 as PS	1987	-	-	SSC	-	✓	-	-	✓	-	-	✓	-	
8	Muhammad Salim s/o Muahmad Nazir	Process Server	01.09.2003	01.09.2003	Process Server	02.03.1971	14.02.15 as PS	1988	-	-	B.A	-	✓	-	-	✓	-	-	✓	-	
9	Umar Dher s/o Pir Muhammad	Process Server	12.07.2008	12.07.2008	Process Server	09.04.1972	03.04.10 as PS	1988	-	-	F.A	-	✓	-	-	✓	-	-	✓	-	
10	Naveed Iqbal s/o Muqadar Khan	Process Server	17.09.2009	17.09.2009	Process Server	01.01.1972	28.01.09 as PS	1988	-	-	B.A	-	✓	-	-	✓	-	-	✓	-	
11	Barkat Ali No. 02 s/o Sher Badshah	Process Server	12.07.2008	12.07.2008	Process Server	30.04.1971	03.04.10 as PS	1989	-	-	M.A	-	✓	-	-	✓	-	-	✓	-	

C.T.C
lw

WORKING PAPER FOR PROMOTION

Name of the Establishment: SENIOR CIVIL JUDGE/A'ALA ILLAQA QAZI, SWAT

Promotion to the Post of: JUNIOR CLERKS/NAIB NAZAR BPS-11

To be filled in from amongst: BAILLIFFS, BPS-06 OR PROCESS SERVERS BPS-05

Vacant Positions=07

Date for D.P.C : - 08-12-2018

8

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 since	Date of joining the service	First Appointment as	Date of Birth	Duration of Govt. service as on 16-11-2018 dd/mm/yy	Year of Acquiring SSC	Typing Speed (WPM)	Short Hand Speed (WPM)	Qualification Division	Performance Evaluation									Remarks
											2015			2016			2017			
											Average	Good	Very Good	Average	Good	Very Good	Average	Good	Very Good	
12	Muhammad Zahir s/o Muhammad Shah Khan	Process Server	12.07.2008	12.07.2008	Process Server	03.04.10 as PS	1989	-	-	F.Sc	-	✓	-	-	✓	-	-	-	✓	
13	Kifayat Ullah s/o Abdul Qayyum	Process Server	01.09.2003	19.06.2000	Process Server	14.02.15 as PS	1991	-	-	B.A	-	✓	-	-	✓	-	-	✓	-	
14	Abdul Hamid s/o Abdul Wadood	Process Server	01.09.2003	01.09.2003	Process Server	14.02.15 as PS	1991	-	-	F.A	-	✓	-	✓	-	-	-	✓	-	
15	Barkat Ali No. 01 s/o Ali Sher	Process Server	30.01.1994	11-10-2007 Transfer from Bazar	Process Server	15.09.24 as PS	1991	-	-	SSC	-	✓	-	✓	-	-	-	✓	-	
16	Adil Ali Shah s/o Syed Inayat Ali Shah	Process Server	28.03.2005	28.03.2005	Process Server	17.08.13 as PS	1992	-	-	M.A	-	✓	-	✓	-	-	-	✓	-	
17	Muhammad Ayaz s/o Hazrat Jee	Process Server	01.09.2003	01.09.2003	Process Server	14.02.15 as PS	1993	-	-	SSC	-	✓	-	-	✓	-	-	✓	-	
18	Fazal Rabi s/o Gulzarin	Process Server	08.01.2002	08.01.2002	Process Server	17.10.13 as PS	1994	-	-	F.A	-	✓	-	✓	-	-	-	✓	-	
19	Rahmat Biland s/o Muhammad Ghawas	Process Server	17.09.2009	17.09.2009	Process Server	28.01.09 as PS	1994	-	-	SSC	-	✓	-	✓	-	-	-	✓	-	
20	Aftab Ahmad Shah s/o Fazal Ahmad Shah	Process Server	01.09.2003	01.09.2003	Process Server	14.02.15 as PS	1995	-	-	SSC	-	✓	-	-	✓	-	-	✓	-	
21	Wajid Ali s/o Abdul Akram	Process Server	01.09.2003	01.09.2003	Process Server	14.02.15 as PS	1995	-	✓	M.A	-	✓	-	✓	-	-	-	✓	-	

Prepared by :-

Checked by :-

(Shabid Sangam)
Clerk of Court/Assistant
office of Senior Civil Judge/AIQ
Swat

(Yousaf Khan)
Civil Nazir/Assistant
office of Senior Civil Judge/AIQ
Swat

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(Abdul Wahab Qureshi)
Senior Civil Judge/
A'ala ILLAQA Qazi, Swat

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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
 phcpsh@gmail.com

Distt. & Sessions Judge
 Diary No. 1956
 Dated 11/12/2017
 Sig. _____
 Zilla Qazi, Swat.

No. 19657-19706 /DSC-DPC

Dated Pesh the 9 / 12 / 2017

To:

- All the District & Sessions Judges/Zilla Qazis
 - All the Senior Civil Judges/A'ala Illaqa Qazis
- } in the Khyber Pakhtunkhwa.

Subject: PROMOTION OF CLASS-IV TO JUNIOR CLERK IN DISTRICT JUDICIARY.

Dear Sir,

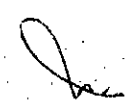
The Competent Authority has been pleased to direct that henceforth promotion of Class-IV employees to the post of Junior Clerk shall be made in accordance with rules on the basis of "seniority-cum-fitness". In order to sift competent from incompetent employees, a test may be taken from Class-IV employees like dictation and few easy questions like abbreviations and common general knowledge about Pakistan.

This is for compliance please.

Sincerely yours,


 REGISTRAR

office


 11/12

C.T.C


(10) Aug '18

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE OF THE OFFICE OF SENIOR CIVIL JUDGE (ADMN)/AALLA ILLAQA QAZI, SWAT DATED 08/12/2018.

Meeting of the Departmental Promotion Committee was held in the office of the undersigned today i.e 08/12/2018.

The following attended the meeting:-

S.No	Name with Designation	Remarks
01	Tilla Muhammad, Senior Civil Judge (Admn)/Aalla Illaqa, Swat	Chairman
02	Mr. Mohsin Abbas, Civil Judge-cum-Judicial Magistrate, Malakand	Nominee of the Hon'ble Peshawar High Court, Peshawar
03	Mr. Inam Khan, Civil Judge/Judge Family Court-I-Swat	Nominee of the undersigned

The committee considered promotion cases for the following vacant positions:-

S.No	Name of Post	BPS	No. of vacancy	Remarks
01	Junior Clerk/ Naib Nazir	BPS-11	07	To be promoted from amongst the post of Bailiffs BPS-06 & Process Servers BPS-05
02	Bailiff	BPS-06	04	To be promoted from amongst the post of Process Servers BPS-05

JUNIOR CLERK/NAIB NAZIR BPS-11.

In the light of august Peshawar High Court, Peshawar letter No. 19657-19706/DSC-DPC/Admn Dated 09/12/2017, A test from the following employees was taken as per working papers: -

S. #	Name with Father Name	Designation	Total Marks	Obtained Marks	Attendance
1	Rahmat Ali s/o Bakht Zmin R	Bailiff	100	80	Present
2	Javed Iqbal s/o Ghulam Nabi	Bailiff	100	94	Present
3	Sana Ullah s/o Saeed Ur Rahman	Bailiff	100	73	Present
4	Muhammad Jamal s/o Toti	Process Server	100	74	Present
5	Muhammad Iqbal s/o Amir Nawaz <i>Appellant</i>	Process Server	100	89	Present
6	Muhammad Ibrahim s/o Shah Bahadar	Process Server	100	60	Present
7	Samiullah s/o Sakhi Khan	Process Server	100	80	Present
8	Muhammad Salim s/o Muahmad Nazir	Process Server	100	94	Present
9	Umar Dher s/o Pir Muhammad	Process Server	100	72	Present
10	Naveed Iqbal s/o Muqadar Khan R	Process Server	100	92	Present
11	Barkat Ali No. 02 s/o Sher Badshah	Process Server	100		Absent
12	Muhammad Zahir s/o Muhammad Shah Khan	Process Server	100	83	Present
13	Kifayat Ullah s/o Abdul Qayyum	Process Server	100	64	Present
14	Abdul Hamid s/o Abdul Wadood	Process Server	100	64	Present
15	Barkat Ali No. 01 s/o Ali Sher	Process Server	100	67	Present
16	Adil Ali Shah s/o Syed Inayat Ali Shah R	Process Server	100	92	Present
17	Muhammad Ayaz s/o Hazrat Jee	Process Server	100	80	Present

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18	Fazal Rabi s/o Gulzarin	Process Server	100	81	Present
19	Rahmat Biland s/o Muhammad Ghawas	Process Server	100	86	Present
20	Aftab Ahmad Shah s/o Fazal Ahmad Shah	Process Server	100	75	Present
21	Wajid Ali s/o Abdul Akram	Process Server	100	92	Present

ACRs have been checked, Service record of the employees was assessed on the criterion of seniority cum fitness.

The cases of promotion of the post of Bailiff BPS-06 and Process Servers BPS-05 to the post of Junior Clerk/Naib Nazir BPS-11 were considered, after going through the seniority list and working papers and the marks of test. The committee unanimously recommended the names of all the three qualified Bailiffs and highest marks obtained by the Process Server for promotion to the post of Junior Clerk/Naib Nazir BPS-11.

S. #	Name with Father Name	Designation	Promoted as
1	Javed Iqbal s/o Ghulam Nabi ✓	Bailiff BPS-06	Junior Clerk BPS-11
2	Rahmat Ali s/o Bakht Zmin R	Bailiff BPS-06	Junior Clerk BPS-11
3	Sajna Ullah s/o Saeed Ur Rahman R	Bailiff BPS-06	Junior Clerk BPS-11
4	Muhammad Salim s/o Muhammad Nazir ✓	Process Server BPS-05	Junior Clerk BPS-11
5	Wajid Ali s/o Abdul Akram ✓	Process Server BPS-05	Junior Clerk BPS-11
6	Naveed Iqbal s/o Muqadar Khan R	Process Server BPS-05	Junior Clerk BPS-11
7	Adil Ali Shah s/o Syed Inayat Ali Shah ✓	Process Server BPS-05	Junior Clerk BPS-11

Bailiff BPS-06.

Service record of the following Process Servers BPS-05 was assessed on the criterion of seniority cum fitness:-

S. #	Name with Father Name	Designation	Attendance
1	Muhammad Usman s/o Fazal Khaliq	Process Server BPS-05	Present
2	Fazal Rabi s/o Gulzarin	Process Server BPS-05	Present
3	Muhammad Jamal s/o Toti	Process Server BPS-05	Present
4	Muhammad Ibrahim s/o Shah Bahadar	Process Server BPS-05	Present
5	Kifayat Ullah s/o Abdul Qayyum	Process Server BPS-05	Present
6	Muhammad Iqbal s/o Amir Nawaz	Process Server BPS-05	Present
7	Muhammad Salim s/o Muhammad Nazir	Process Server BPS-05	Present
8	Abdul Hamid s/o Abdul Wadood	Process Server BPS-05	Present
9	Muhammad Ayaz s/o Hazrat Jee	Process Server BPS-05	Present
10	Aftab Ahmad Shah s/o Fazal Ahmad Shah	Process Server BPS-05	Present
11	Wajid Ali s/o Abdul Akram	Process Server BPS-05	Present
12	Fazal Ghani s/o Faqir Gul	Process Server BPS-05	Present

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The cases of promotion of the post of Process Server BPS-05 to the post of Bailiff BPS-06 were considered, after going through the seniority list and working papers. The committee unanimously recommended the name of the following employees for promotion to the post of Bailiff BPS-06.

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S	Name with Father Name	Designation	Promoted as
1	Muhammad Usman s/o Fazal Khaliq	Process Server BPS-05	Bailiff BPS-06
2	Fazal Rabi s/o Gulzarin	Process Server BPS-05	Bailiff BPS-06
3	Muhammad Jamal s/o Toti	Process Server BPS-05	Bailiff BPS-06
4	Muhammad Ibrahim s/o Shah Bahadar	Process Server BPS-05	Bailiff BPS-06

(Tilla Muhammad)
Senior Civil Judge (Admn)
Aalla Illaqa Qazi, Swat.
(Chairman)

(Mohsin Abbas)
Civil Judge-cum-Judicial Magistrate
(Nominee of the Hon'ble Peshawar High Court, Peshawar)

(Inam Khan)
Civil Judge/Judge Family Court-I-Swat
(Nominee of the undersigned)

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN)/AALLA ILLAQA QAZI, SWAT.

No. 2956-65 /SCJ (Admn)/AIQ, Swat

Dated 08 / 12 /2018:

Copy forwarded to:-

1. The Worthy, Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble District & Sessions Judge/Zilla Qazi, Swat.
3. Mr. Mohsin Abbas, the Learned Civil Judge-cum-Judicial Magistrate, Malakand.
(Nominee of the Hon'ble Peshawar High Court, Peshawar).
4. Mr. Inam Khan, the Learned Civil Judge/Judge Family Court-I-Swat.
(Nominee of the undersigned).
5. The District Comptroller of Accounts/District Accounts Officer, Swat.
6. The Accountant/Nazir to the Court/office of the D&SJ/ZQ, Swat.
7. The Civil Nazir/Assistant of this Court/office.
8. The Junior Clerk/Naib Nazir (Incharge P.S Agency) of this Court/office.
9. The officials concerned by name.
10. The personal file of the officials concerned.

(Tilla Muhammad)
Senior Civil Judge (Admn)/
Aalla Illaqa Qazi, Swat.

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~~P.S. JUDGE~~

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No. _____/E.B

Dated: _____/_____/2019

From: The District & Sessions Judge/
Zilla Qazi, Swat

To: The Registrar,
Peshawar High Court,
Peshawar.

SUBJECT: REPRESENTATION

Dear Sir,

I have the honour to forward the representation alongwith its enclosures in respect of Mr. Muhammad Iqbal, Process Server, of this Sessions Division, Swat for further necessary action, please.

sd/ - x x

District & Sessions Judge/
Zilla Qazi, Swat.

Encl: as above.

OFFICE OF THE DISTRICT & SESSIONS JUDGE/ZILLA QAZI, SWAT

Endst: No. 41 /E.B

Dated: 2 / 1 /2019

Copy forwarded to Mr. Muhammad Iqbal, Process Server of this Sessions Division, Swat, for information.

[Handwritten signature]

District & Sessions Judge/
Zilla Qazi, Swat

2 / 1 /2019

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BEFORE THE WORTHY REGISTRAR, PESHAWAR
HIGH COURT, PESHAWAR

REPRESENTATION AGAINST THE ORDER OF DPC
DATED 08-12-2018, WHEREBY THE PETITIONER
WAS SUPERSEDED AND OFFICIALS JUNIOR TO
HIM WERE PROMOTED AS JC/NAIB NAZIR.

Respectfully sheweth,

- 1) That the petitioner was appointed as Process Server on 01-09-2003 and since then, he has been serving against the said post without any further promotion as yet.
- 2) That some posts of Junior Clerks/Naib Nazirs BPS-11 fell vacant under the domain of Senior Civil Judge Swat, which were to be filled by promotion on the basis of seniority-cum-fitness.
- 3) That this esteemed office ordered constitution and holding of DPC for filling up the above mentioned posts, for which working paper was also prepared (Copy of working paper is attached as Annexure "A").
- 4) That as per the working paper, twenty one (21) candidates were listed, wherein the petitioner appeared at S.No.5 on the basis of his seniority.
- 5) That upon the directions of this esteemed office communicated vide letter No.19657-19706/DSC/Admin dated 09-12-2018, a test was to be conducted containing few easy questions and common general knowledge of Pakistan (Copy of letter dated 09-12-2018 is attached as Annexure "B").

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- 6) That the requisite test was conducted under the supervision of Senior Civil Judge Swat, wherein the petitioner participated and scored 89 marks out of 100. The same has been reflected in minutes of the meeting of the DPC (Copy of minutes of DPC are attached as Annexure "C").
- 7) That despite being fit for promotion on the basis of seniority-cum-fitness and having obtained a handsome score in the requisite test, the petitioner was not recommended for promotion by the DPC rather his junior colleagues were promoted, hence this representation, inter alia, on the following grounds:

GROUND:

- A) That the petitioner is having the seniority, competence and fitness for promotion, hence, deserves to be promoted as JC/Naib Nazir (BPS-11).
- B) That no doubt this esteemed office has mandated a test for such like promotions, however the test may not be taken as a sole criteria for promotion. Needless to say that as per the relevant Rules, seniority and fitness of a candidate is to be seen. By virtue of the impugned promotion order, seniority has been ignored altogether and test has been taken as a sole criteria.
- C) That even some officials who have been promoted by virtue of impugned order were not qualified for such promotion, for instance Mr. Sana Ullah s/o Saeed-ur-Rehman at S.No.3 of the promotion order was deficient

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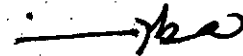
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in terms of the requisite three years experience. Likewise, one Rehmat Ali at S.No.1, Sana Ullah at S.No.3 and Mr. Jamal at S.No.4 were lower in score in the requisite test. Despite that, they were promoted by virtue of the impugned order.

- D) That the petitioner has served this esteemed institution for sixteen long years, has spotless service record and there been nothing adverse against him.

It is, therefore, humbly prayed that on acceptance of this representation, the impugned recommendation of DPC and promotion order dated 08-12-2018 to the extent of petitioner be revisited. Consequently, the petitioner may be promoted as JC/Naib Nazir in his order of seniority with all back benefits.

Petitioner



Muhammad Iqbal
s/o Amir Nawaz,
Process Server, District
Courts, Swat.

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II-District Judiciary

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

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

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

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بعدالت خیر کھنخواہ سردس کی بیوی لیساور کیمپ کوڈ سوات



مورخہ 23 اپریل سے منجانب اپیلانٹ
 مقدمہ محمد اقبال بنام رجسٹرار پی ای سی وغیرہ
 دعویٰ سردس اپیل
 جرم باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام لیساور کیمپ کوڈ سوات کیلئے بھیر سنگھ ڈاکٹر خندان / عرفان محمد ڈاکٹر کے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے کے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

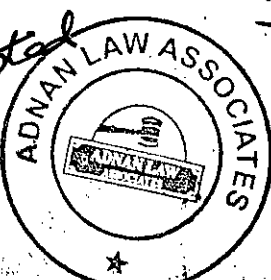
المرقوم 23 ماہ اپریل 19۹۲

السید گداہ شہد العبد

Attested

کے لئے منظور ہے

Accepted



بمقام لیساور سوات

Barrister
 Dr. Adnan Khan
 Advocate Supreme Court of Pakistan

محمد اقبال ولد امیر تان

OFFICE ORDER.

On the recommendation of the Departmental Promotion Committee meeting held on 08/12/2018, in the office of undersigned, the following officials are hereby promoted as per detail mentioned below with immediate effect: -

S.No	Name	Father Name	Designation	BPS	Promoted as	
					Designation	BPS
01	Mr. Rahmat Ali	Bakht Zamin	Bailiff	BPS-06	Junior Clerk/ Naib Nazir	BPS-11
02	Mr. Javed Iqbal	Ghulam Nabi	Bailiff	BPS-06	Junior Clerk/ Naib Nazir	BPS-11
03	Mr. Sanauallah	Saeed-ur-Rahman	Bailiff	BPS-06	Junior Clerk/ Naib Nazir	BPS-11
04	Mr. Muhammad Salim	Muhammad Nazir	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
05	Mr. Wajid Ali	Abdul Akram	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
06	Mr. Adil Ali Shah	Syed Inayat Ali Shah	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
07	Mr. Naveed Iqbal	Muqadar Khan	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
08	Mr. Muhammad Usman	Fazal Khaliq	Process Server	BPS-05	Bailiff	BPS-06
09	Mr. Fazal Rabi	Gul Zarin	Process Server	BPS-05	Bailiff	BPS-06
10	Mr. Muhammad Jamal	Toti	Process Server	BPS-05	Bailiff	BPS-06
11	Mr. Muhammad Ibrahim	Shah Bahadar	Process Server	BPS-05	Bailiff	BPS-06

The officials shall remain on probation for the period prescribed in the relevant rules.

The seniority of the officials will be as per relevant rules.

(Tilla Muhammad)
Senior Civil Judge (Admn)/
Aalla Illaqa Qazi, Swat.

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN)/AALLA ILLAQA QAZI, SWAT.

No. 2967-77 SCJ(Admn)/AIQ, Swat

Dated 08/12/2018.

Copy forwarded to: -

1. The Worthy, Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble District & Sessions Judge/Zina Qazi, Swat.
3. The Learned Senior Civil Judge (Judl)/Aalla Illaqa Qazi, Swat.
4. Mr. Mohsin Abbas, the Learned Civil Judge-cum-Judicial Magistrate, Malakand. (Nominee of the Hon'ble Peshawar High Court, Peshawar).
5. Mr. Inam Khan, the Learned Civil Judge/Judge Family Court-I-Swat. (Nominee of the undersigned).
6. The District Comptroller of Accounts/District Accounts Officer, Swat.
7. The Accountant/Nazir to the Court/office of the D&SJ/ZQ, Swat.
8. The Civil Nazir/Assistant of this Court/office.
9. The Junior Clerk/Naib Nazir (Incharge P.S Agency) of this Court/office.
10. The officials concerned by name.
11. Personal file of the officials concerned.

Senior Civil Judge (Admn)/
Aalla Illaqa Qazi, Swat.

* Without Test

* No three years experience

OFFICE ORDER.

On the recommendation of the Departmental Promotion Committee meeting held on 08/12/2018, in the office of undersigned, the following officials are hereby promoted as per detail mentioned below with immediate effect: -

S.No	Name	Father Name	Designation	BPS	Promoted as	
					Designation	BPS
01	Mr. Rahmat Ali	Bakht Zamin	Bailiff	BPS-06	Junior Clerk/ Naib Nazir	BPS-11
02	Mr. Javed Iqbal	Ghulam Nabi	Bailiff	BPS-06	Junior Clerk/ Naib Nazir	BPS-11
03	Mr. Sanaullah	Saeed-ur-Rahman	Bailiff	BPS-06	Junior Clerk/ Naib Nazir	BPS-11
04	Mr. Muhammad Salim	Muhammad Nazir	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
05	Mr. Wajid Ali	Abdul Akram	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
06	Mr. Adil Ali Shah	Syed Ihayat Ali Shah	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
07	Mr. Naveed Iqbal	Muqadar Khan	Process Server	BPS-05	Junior Clerk/ Naib Nazir	BPS-11
08	Mr. Muhammad Usman	Fazal Khaliq	Process Server	BPS-05	Bailiff	BPS-06
09	Mr. Fazal Rabi	Gul Zarin	Process Server	BPS-05	Bailiff	BPS-06
10	Mr. Muhammad Jamal	Toti	Process Server	BPS-05	Bailiff	BPS-06
11	Mr. Muhammad Ibrahim	Shah Bahadar	Process Server	BPS-05	Bailiff	BPS-06

The officials shall remain on probation for the period prescribed in the relevant rules.

The seniority of the officials will be as per relevant rules.

(Tilla Muhammad)
Senior Civil Judge (Admn)/
Aalla Illaqa Qazi, Swat.

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN)/AALLA ILLAQA QAZI, SWAT.

No. 2967-77 SCJ(Admn)/AIQ, Swat

Dated 08/12 /2018.

Copy forwarded to: -

1. The Worthy, Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble District & Sessions Judge/Zilla Qazi, Swat.
3. The Learned Senior Civil Judge (Judl)/Aalla Illaqa Qazi, Swat.
4. Mr. Mohsin Abbas, the Learned Civil Judge-cum-Judicial Magistrate, Malakand. (Nominee of the Hon'ble Peshawar High Court, Peshawar).
5. Mr. Inam Khan, the Learned Civil Judge/Judge Family Court-I-Swat. (Nominee of the undersigned).
6. The District Comptroller of Accounts/District Accounts Officer, Swat.
7. The Accountant/Nazir to the Court/office of the D&SJ/ZQ, Swat.
8. The Civil Nazir/Assistant of this Court/office.
9. The Junior Clerk/Naib Nazir (Incharge P.S Agency) of this Court/office.
10. The officials concerned by name.
11. Personal file of the officials concerned.

Senior Civil Judge (Admn)/
Aalla Illaqa Qazi, Swat.

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE OF THE OFFICE OF SENIOR CIVIL JUDGE (ADMN)/AALLA ILLAQA QAZI, SWAT DATED 08/12/2018.

Meeting of the Departmental Promotion Committee was held in the office of the undersigned today i.e 08/12/2018.

The following attended the meeting:-

S.No	Name with Designation	Remarks
01	Tilla Muhammad, Senior Civil Judge (Admn)/Aalla Illaqa, Swat	Chairman
02	Mr. Mohsin Abbas, Civil Judge-cum-Judicial Magistrate, Malakand	Nominee of the Hon'ble Peshawar High Court, Peshawar
03	Mr. Inam Khan, Civil Judge/Judge Family Court-I-Swat	Nominee of the undersigned

The committee considered promotion cases for the following vacant positions:-

S.No	Name of Post	BPS	No. of vacancy	Remarks
01	Junior Clerk/ Naib Nazir	BPS-11	07	To be promoted from amongst the post of Bailiffs BPS-06 & Process Servers BPS-05
02	Bailiff	BPS-06	04	To be promoted from amongst the post of Process Servers BPS-05

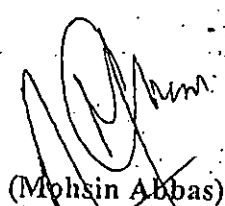
JUNIOR CLERK/NAIB NAZIR BPS-11.

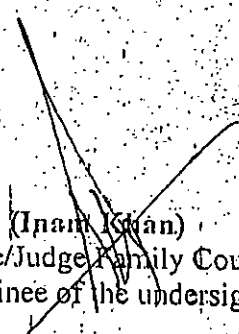
In the light of august Peshawar High Court, Peshawar letter No. 19657-19706/DSC-DPC/Admn Dated 09/12/2017, A test from the following employees was taken as per working papers: -

S	Name with Father's Name	Designation	Total Marks	Obtained Mark	Attendance
1	Rahmat Ali s/o Bakht Zmin	Bailiff	100	80	Present
2	Javed Iqbal s/o Ghulam Nabi	Bailiff	100	94	Present
3	Sana Ullah s/o Saeed Ur Rahman	Bailiff	100	73	Present
4	Muhammad Jamal s/o Toti	Process Server	100	74	Present
5	Muhammad Iqbal s/o Amir Nawaz	Process Server	100	89	Present
6	Muhammad Ibrahim s/o Shah Bahadar	Process Server	100	60	Present
7	Samiullah s/o Sakhi Khan	Process Server	100	80	Present
8	Muhammad Salim s/o Muhammad Nazir	Process Server	100	94	Present
9	Umar Dher s/o Pir Muhammad	Process Server	100	72	Present
10	Naveed Iqbal s/o Muqadar Khan	Process Server	100	92	Present
11	Barkat Ali No. 02 s/o Sher Badshah	Process Server	100		Absent
12	Muhammad Zahir s/o Muhammad Shah Khan	Process Server	100	83	Present
13	Kifayat Ullah s/o Abdul Qayyum	Process Server	100	64	Present
14	Abdul Hamid s/o Abdul Wadood	Process Server	100	64	Present
15	Barkat Ali No. 01 s/o Ali Sher	Process Server	100	67	Present
16	Adil Ali Shah s/o Syed Inayat Ali Shah	Process Server	100	92	Present
17	Muhammad Ayaz s/o Hazrat Jee	Process Server	100	80	Present

S.No.	Name with Father Name	Designation	Promoted as
1.	Muhammad Usman s/o Fazal Khaliq	Process Server BPS-05	Bailiff BPS-06
2.	Fazal Rabi s/o Gulzarin	Process Server BPS-05	Bailiff BPS-06
3.	Muhammad Jamal s/o Toti	Process Server BPS-05	Bailiff BPS-06
4.	Muhammad Ibrahim s/o Shah Bahadar	Process Server BPS-05	Bailiff BPS-06

9--
(Tilla Muhammad)
Senior Civil Judge (Admn)
Aalla Illaqa Qazi, Swat.
(Chairman)


(Mohsin Abbas)
Civil Judge-cum-Judicial Magistrate
(Nominee of the Hon'ble Peshawar High Court, Peshawar)


(Inam Khan)
Civil Judge/Judge Family Court-I-Swat
(Nominee of the undersigned)

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN)/AALLA ILLAQA QAZI, SWAT.

No. 2956-65 /SCJ (Admn)/AIQ, Swat

Dated 08/12 /2018

Copy forwarded to:-

1. The Worthy, Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble District & Sessions Judge/Zilla Qazi, Swat.
3. Mr. Mohsin Abbas, the Learned Civil Judge-cum-Judicial Magistrate, Malakand.
(Nominee of the Hon'ble Peshawar High Court, Peshawar).
4. Mr. Inam Khan, the Learned Civil Judge/Judge Family Court-I-Swat.
(Nominee of the undersigned).
5. The District Comptroller of Accounts/District Accounts Officer, Swat.
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7. The Civil Nazir/Assistant of this Court/office.
8. The Junior Clerk/Naib Nazir (Incharge P.S Agency) of this Court/office.
9. The officials concerned by name.
10. The personal file of the officials concerned.

9--
Senior Civil Judge (Admn)/
Aalla Illaqa Qazi, Swat.

لیڈنگ سے پہلے جج صاحب سرمنٹر پریسوں کے قیام کو کرنا ضروری ہے

مکتوبان محمد اقبال ہینج ڈسٹرکٹ جود پٹشی

فندیہ نمبر 549
19

ضد عالی

درخواست لبرار تاج پٹشی

ضد عالی تاج پٹشی سے درخواست کی کہ وہ اپنی بیوی کے ساتھ

سے اس واقعے سے آگے نہ بڑھیں اور وہ اپنی بیوی کے

صدر تاج پٹشی پٹشی کے ساتھ نہ رہیں اور وہ اپنی بیوی کے

تاج پٹشی پٹشی کے ساتھ نہ رہیں اور وہ اپنی بیوی کے

اسرار احمد

محمد اقبال پٹشی

ڈسٹرکٹ جود پٹشی

03-07-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 540/2019

Muhammad IqbalAppellant

Versus

Registrar PHCRespondents

INDEX

S.#	Description of Documents	Date	Annexure	Pages
1.	Memo of Reply with Affidavit			1-3

Respondent No.1

Through

Khaled Rahman
Advocate
Supreme Court of Pakistan

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

Dated: 12/10/2019

Service Appeal No: 540/2019

Muhammad Iqbal Appellant

Versus

Registrar PHC Respondents

REPLY ON BEHALF OF RESPONDENT NO.1.

Respectfully Sheweth,

Preliminary objections.

1. That appellant is aggrieved from promotion against the post of Junior Clerk/Nab Nazir whereas as per Section 4(b)(i) of this Hon'ble Tribunal Act, 1974, no appeal shall lie to a Tribunal against an order or decision of the Departmental Authority determining the fitness or otherwise of a person to be appointed or to hold a particular post or to be promoted to higher post or grade, therefore, the instant service appeal is liable to be dismissed.

41. That appellant has assailed the Minutes of the Departmental Promotion Committee dated 08.12.2018 and preferred Departmental Appeal against the same on 02.01.2019. As per Rule-3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules-1986 read with Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, a civil servant aggrieved from any final or appellate order passed by the competent authority relating to the terms and conditions of his service, may file Departmental Appeal within the mandated period while appellant has not come to this Hon'ble Tribunal against any such orders of the competent authority. Moreover, the Departmental Representation of the appellant was returned to him and handed over on 07.05.2019 which he did not resubmit before proper forum under the law he was required to prefer Departmental Representation/ appeal to Respondent No.2 being competent authority instead of Respondent No.1, therefore, the instant appeal is not maintainable.

41. That as per Section-22 of Khyber Pakhtunkhwa Civil Servants Act, 1973 which provides that no Representation shall lie on matters relating to the

determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade. Since, Petitioner is aggrieved from his non-promotion, therefore, the instant appeal is liable to be dismissed.

- IV. That appellant was also required to challenge the promotion orders of private Respondents firstly in the Departmental Appeal and then in the instant service appeal which he failed to do. As per Rule-6(2)(e)(ii) of Khyber Pakhtunkhwa Service Tribunal Rules-1974, appellant was required to annex the orders against which he has approached this Hon'ble Tribunal, therefore, the instant appeal is not maintainable on this ground too.
- V. That the appellant has concealed material facts from the Hon'ble Tribunal and has not approached the Hon'ble Tribunal with clean hands, therefore, the instant appeal merits outright dismissal.
- VI. That the appellant is estopped by his own conduct to file the instant appeal because he secured 89/100 marks while private Respondents obtained 92-94/100 marks in the Written Test, therefore, they were rightly promoted against the subject posts and appellant being below in merit was rightly not considered.
- VII. That departmental appeal filed by the appellant was also time bared hence the instant appeal is not maintainable.

Reply to Facts:

- 1-6. Need no reply.
7. Incorrect hence not admitted. Meeting of the Departmental Promotion Committee was conducted under the law by providing full opportunity to each and every candidate including the appellant for promotion against the post of Naib Nazir/Junior Clerk. Appellant obtained 89/100 marks in the written test whereas private Respondents secured 92-94/100 marks, therefore, appellant was rightly not considered for promotion. Moreover, length of service of private Respondents is more than that of appellant, therefore, the Departmental Promotion Committee unanimously promoted 05 candidates to the post of Naib Nazir/Junior Clerk on the basis of their higher merit position while remaining two posts were filled on the basis of seniority from the Process Servers.

8. Regarding Para-8 of the appeal it has already been averred in the preliminary objections that no appeal shall lie against an order of the Departmental Authority in the matters relating to the determination of fitness of a person to hold a particular post or to be promoted to higher post or grade. Moreover, the same was returned to the appellant on 07.05.2019 but appellant has not resubmitted the same before any proper forum.

GROUNDS:

A&B. Incorrect hence not admitted. The appellant was provided full chance of promotion against the subject post but he could not competent on merit hence not promoted.

C&D. Incorrect As already submitted that topper in the merit list were recommended for promotion against the subject post while 2 posts were filled from amongst the Process Servers on the basis of their seniority position.

E&F. Incorrect hence denied. The Respondent No.4 was appointed as Process Server on 01.09.1999 and placed at Serial No.1 whereas Respondent No.5 was appointed on 01.01.2000 and placed at Serial No.3 in the Seniority List of Process Servers, hence they were promoted on the basis of observing their promotion quota while on other hand the appellant could not qualify the said process.

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

Through

Respondent No.1

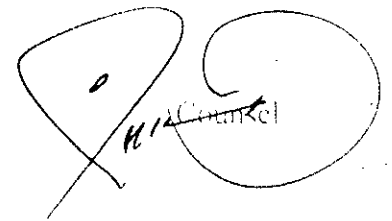
Khaled Rahman,
Advocate,

Supreme Court of Pakistan

Dated: 12/11/2019

Verification

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

 Counsel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWR CAMP COURT AT SAIDU SHARIF

Service Appeal No. 540 of 2019

Muhammad Iqbal VERSUS Registrar PHC

REPLY ON BEHALF OF RESPONDENTS NO. 4 TO 7

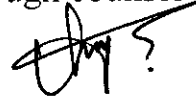
Respectfully Sheweth:

- a) That the respondents No. 4 to 7 are going to rely upon the reply already submitted by the respondents No. 1 and 2 to 3.

It is, therefore, humbly prayed that the reply submitted by respondents No. 1 and 2 to 3 may kindly be considered as reply of the present respondents No. 4 to 7, please.

Respondents No. 4 to 7

through counsel,

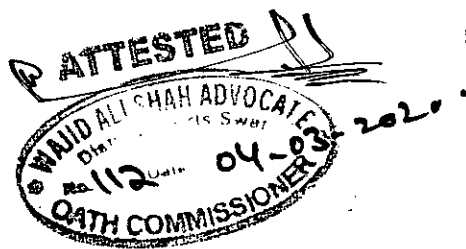


ABDUL NASIR

Advocate, High Court

AFFIDAVIT

It is stated on oath that the contents of the above are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this august Tribunal.



Deponent

SANAULLAH

Respondent No. 5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT SWAT

Service Appeal No. 540/2019

Muhammad Iqbal Appellant

VERSUS

Registrar PHC Respondents

REPLY ON BEHALF OF RESPONDENT NO.2 & 3

Respectfully Sheweth,

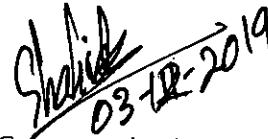
We rely on the reply already submitted by the Registrar Peshawar High Court Peshawar/ Respondent No.1.

Respondents No. 2 & 3

Through



Khurshid Superintendent
Representative of Respondent No.2



Shahid Sangam Assistant
Representative of Respondent No.3

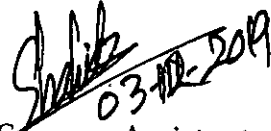
Dated: 03/12/2019

VERIFICATION:

It is verified that the contents of this reply are true and correct to the best of our knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Khurshid Superintendent
Representative of Respondent No.2



Shahid Sangam Assistant
Representative of Respondent No.3