

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 7508/2021

Date of Institution ... 05.10.2021

Date of Decision ... 29.06.2022

Sami Ullah Khan Senior Clerk, District Courts Lakki Marwat.

... (Appellant)

VERSUS

District & Sessions Judge, Lakki Marwat and two others.

... (Respondents)

MR. ZAHIR SHAH MARWAT.
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For official respondents.

MR. SAID AHMAD.
Private respondent No.3

--- In Person.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Shortly stated the averments as raised by the appellant in his appeal are that he was initially appointed as Junior Clerk vide order dated 02.12.1993. The appellant was promoted to the post of Senior Clerk (BPS-14) vide order dated 15.09.2003 and is still working on the same post in District Courts Lakki Marwat. According to the seniority list of Senior Clerks (BPS-14), prepared for promotion to the post of Assistant (BPS-16), the appellant was at the top of the seniority list. In its meeting held on 19.12.2019, the Departmental Promotion Committee did not recommend the appellant for promotion to the post of Assistant (BPS-16) on the ground

that he was not possessing requisite requirement/qualification being not graduate, while private respondent No. 3 namely Said Ahmad Senior Clerk (BPS-14), who was junior to the appellant, was recommended for promotion to the post of Assistant (BPS-16). Vide the impugned office order dated 20.12.2019, issued from the office of District & Sessions Judge Lakki Marwat, private respondent No.3 namely Said Ahmad was promoted to the post of Assistant (BPS-16). The departmental appeal of the appellant was also dismissed vide order dated 13.09.2021, hence the instant service appeal.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions raised by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the working paper prepared for the concerned promotion would show that nothing is mentioned therein that the appellant was not eligible for promotion to the post of Assistant (BPS-16); that the stipulation of possessing of Bachelor Degree is requirement for induction of Assistants (BPS-16) through initial recruitment, while the requirement for promotion to the post of Assistant (BPS-16) is seniority-cum-fitness; that according to the working paper, the appellant was at the top of seniority list of Senior Clerks (BPS-14), however he was wrongly and illegally ignored by violating the relevant rules and private respondent No. 3 was promoted despite the fact that he was junior to the appellant.

4. On the other hand, learned Additional Advocate General for official respondents has contended that the prescribed qualification for promotion to the post of Assistant (BPS-16) was possessing of Bachelor Degree acquired from a recognized University, however the appellant was having no such qualification, therefore, he was not eligible for promotion; that the appellant was not

eligible for promotion merely on the ground of his seniority; that the appellant was treated in accordance with law and no discrimination has been caused to him.

5. Private respondent No. 3 relied upon the arguments advanced by learned Additional Advocate General for official respondents.


6. We have heard arguments of learned counsel for the parties and have perused the record.

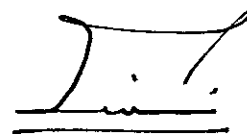
7. A perusal of the record would show that it is an admitted fact that the appellant was at the top of seniority list pertaining to the post of Senior Clerks (BPS-14). While going through the minutes of Departmental Promotion Committee, we have observed that the appellant was not recommended for promotion on the ground that he was lacking the prescribed qualification i.e Bachelor Degree from a recognized University required for promotion to the post of Assistant (BPS-16). Peshawar High Court (Sub-ordinate Court Staff) Recruitment Rules, 2003 lay down the method of recruitment, qualification and other conditions specified in column No. 3 to column No. 5 of the appendix to the said rules, which shall apply to posts in sub-ordinate courts in Khyber Pakhtunkhwa specified in column #2 of the said appendix. According to column No. 3 of the concerned appendix, holding of Bachelor Degree acquired from a recognized University has been prescribed as minimum qualification only for appointment by initial recruitment to the post of Assistant/Reader (BPS-16). As per column No. 5 of the concerned appendix, promotion to the post of Assistant/Reader (BPS-16) was to be made on the basis of seniority-cum-fitness and the appellant was thus not required to be having Bachelor Degree for his promotion to the post of Assistant/Reader (BPS-16). Available on the record is copy of Notification dated 18th April 2017 issued by the then Registrar Peshawar High Court, Peshawar, whereby one Amir Nasrullah Khan, Assistant, who was serving in District Judiciary Lakki

Marwat and was just a matriculate, was even promoted to the post of Superintendent (BPS-17). According to copy of working paper available on the record, the above mentioned Amir Nasruallah Khan was initially inducted as Record Lifter in District Judiciary Lakki Marwat. During the course of arguments, learned counsel for the appellant produced copy of another Notification bearing endorsement No. 6661-68/Admn dated 08.04.2022, whereby Mr. Laiq Khan having educational qualification as Matric and serving as Assistant (BPS-16) in District Judiciary Swabi, was recently promoted to the post of Superintendent (BPS-17). Keeping in view the relevant criteria for promotion to the post of Assistant (BPS-16) as prescribed in Peshawar High Court (Sub-ordinate Court Staff) Recruitment Rules, 2003, we are of the humble view that the Departmental Promotion Committee has wrongly considered the acquiring of Bachelor Degree as requisite qualification for promotion to the post of Assistant (BPS-16). The impugned orders are thus not sustainable in the eye of law and are liable to be set-aside.

8. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is held entitled to be promoted to the post of Assistant (BPS-16) with effect from 20.12.2019 with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.06.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)


ORDER
29.06.2022

Appellant alongwith his counsel present. Mr. Taj Muhammad, Accountant alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents present. Private respondent No. 3 in person also present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is held entitled to be promoted to the post of Assistant (BPS-16) with effect from 20.12.2019 with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.06.2022


(Rozina Rehman)
Member (Judicial)


(Salah-Ud-Din)
Member (Judicial)

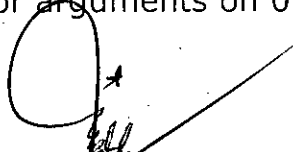
15.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.4.2022 for the same as before.


Reader.

28.04.2022


Appellant alongwith his counsel present. Mr. Taj Muhammad, Accountant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 & 2 present. None present on behalf of private respondent No. 3. Previous date was changed on Reader Note, therefore, notice be issued to private respondent No. 3 through registered post and to come up for arguments on 02.06.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

2-6-2022

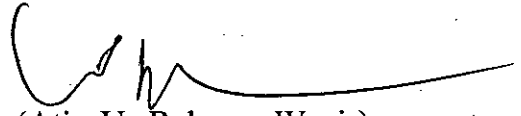
Proper DB not available the case is adjourned to 29-6-2022


Reader

06.01.2022


Appellant in person present. Mr. Kabirullah Khattak, AAG alongwith Mr. Taj Muhammad Accountant for official respondents No. 1 & 2 present. Private respondent No.3 in person present and submitted reply/comments which is placed on file.

Reply/comments on behalf of official respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on ~~29.01~~ 29.01.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 15.03.2022. for the same as before..


Reader.

06.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that jurisdiction of Service Tribunal is invoked against the impugned order of respondent No.1 dated 20.12.2019 whereby junior to the appellant was promoted to the post of Assistant (BS-16) on the wrong interpretation of column-3 (qualification) against serial No.4 of the Peshawar High Court (Subordinate courts staff) Recruitment Rules, 2003. The appellant submitted departmental appeal against the impugned order on 04.01.2020 which was dismissed on 13.09.2021 where-after the instant service appeal was filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 on 05.10.2021. It was contended that the required qualification of "Bachelor's degree" is specific in respect of initial recruitment against 25% quota reserved for direct recruits which has been misconstrued and considered against 75% quota reserved for promotion from amongst the holders of the posts of Senior Clerk. In support of his arguments, learned counsel for the appellant referred to the available precedents of officials in the same category (promotion quota) having lower qualification (even matric) were promoted to the post of Assistant in the jurisdiction of Respondent No.1 in the recent past.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 06.01.2022 before S.B.

Appellant Deposited
Security & Process Fee

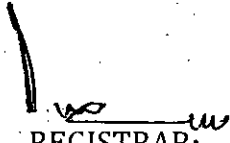
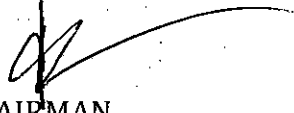


(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7508 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/10/2021	<p>The appeal of Mr. Samiullah Khan presented today by Mr. Zahir Shah Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>06/12/21</u>.</p> <p> CHAIRMAN</p>
	18.11.2021	<p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing before the S.B on 06.12.2021.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Sami Ullah v/s District and Session Judge LAKKI MARIAT

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>SAMI ULLAH KHAN</u>	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Zahid Shah Marwat Adu

Signature:

[Signature]

Dated:

5-10-2021

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR

Service Appeal No. 7508 2021

Sami Ullah Khan.....(Appellant)

Versus

District & Sessions Judge Lakki Marwat and
others.....(Respondents).

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Application for Interim Relief		8-10
5.	Copy of Appointment Order	A	11-14
6.	Copy of Seniority List	B	15-16
7.	Copies of minutes of meeting as well as order dated 20/12/2019	C&D	17-21
8.	Copy of Appeal and order dated 13/09/2021	E	22-27
9.	Copy of Rules of 2003.	F	28-30
10.	Copies of Relevant record	G	31-46
11.	Wakalat Nama		47

Appellant

Through

Dated: 05/10/2021


Zahir Shah Marwat

Zahid Rasheed
Advocates, High Court
Peshawar

&


Shahid Raza Khan
Attorney At Law
Cell No. 0313-9851385

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**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 7508 2021

Diary No. 7668

Dated 05/10/2021

Sami Ullah Khan Senior Clerk, District Courts Lakki
Marwat.....(Appellant)

Versus

1. District & Sessions Judge, Lakki Marwat.
2. Registrar, Peshawar High Court, Peshawar.
3. Mr. Said Ahmad Assistant (PBS-16), District Courts Lakki
Marwat.....(Respondents)

**SERVICE APPEAL U/S 4 OF THE KP SERVICE
TRIBUNALS ACT 1974 AGAINST THE ORDERS
DATED 20/12/2019 AND 13/09/2021 PASSED BY
RESPONDENTS NO.1&2 WHEREBY THE
APPELLANT WAS DENIED PROMOTION.**

Filed to-day

Registrar

5/10/21
PRAYER:

On acceptance of this appeal the impugned orders dated 20/12/2019 and 13/09/2021 may kindly be declared null and void and appellant be dealt in accordance with law and the directions may kindly be issued to promote the appellant to the post of Assistant (PBS-16) with all back benefits and arrears. The appellant may also be given top slot amongst already promoted employee.

Respectfully Sheweth:-

1. That the appellant was initially appointed on 02/12/1993 as Junior Clerk and was promoted to the post of Senior Clerk (BPS-14) on 15/09/2003 and still working as Senior Clerk in District Courts Lakki Marwat.(Copy of Appointment Order is attached as Annexure "A")
2. That as per final seniority list in respect of senior clerk (BPS-14) of the District Judiciary, Lakki Marwat for the year 2019, the appellant was at top of the list which was prepared and maintained for promotion of senior clerk to the post of Assistant (BPS-16). (Copy of Seniority List is attached as Annexure "B")
3. That for the said promotion Departmental Promotion Committee (DPC) was constituted and convened on 19/12/2019, whereby respondent No 3 was promoted from senior clerk (BPS-14) to assistant (BPS-16), vide order dated 20/12/2019, while the appellant was denied promotion on account of lower qualifications. (Copies of minutes of meeting as well as order dated 20/12/2019 are attached as annexure "C & D").
4. That thereafter, the appellant filed department appeal before the respondent No.2 on 04/01/2020 and the same was dismissed/turned down vide order date 13/09/2021. (Copy of Appeal and order dated 13/09/2021 are attached as annexure "E")

5. That being aggrieved the appellant prefers this Service Appeal on the grounds inter-alia as followed:-

GROUND:-

- A. That the appellant has not been treated according to law and rules on subject matter and his rights secured under the law and constitution are badly violated.
- B. That there is no such policy/rules or any other law which states that any employee with higher qualification will be promoted and the employee even listed in top seniority list, his promotion would be denied.
- C. That as per Peshawar High Court (Sub-Ordinate Courts Staff) Recruitments Rules, 2003, the promotion should be on the basis of seniority-cum-fitness, from the amongst holders of the posts of senior clerks with at least three years services as such, while not promoting the appellant to the post of Assistant (BPS-16) the respondents failed to follow the rules on the subject matters. (Copy of Rules of 2003 is attached as annexure "F")

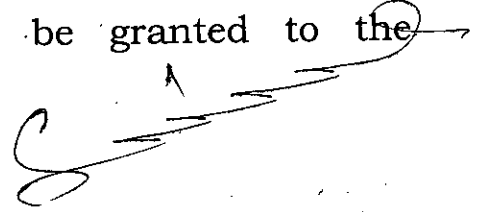
- D. That the self-made formula for promotion of employee lowers in the list of seniority by respondents is contrary to the prescribed policy, rules and laws.
- E. That the actions and inactions of the respondents particularly of the respondents No. 1 & 2 are against the norms of justices, moreover the appellant was intentionally discriminated and this act and omission of the respondents is clear violation of their powers/duties.
- F. That the act of respondents is malfeasance and nonfeasance and based on mala-fide.
- G. That there are number of precedents, whereof such like employees (with low qualifications) have been promoted in the appellant department from (BPS-14) to (BPS-16) and then (BPS-16) to the post of superintendent (BPS-17) on the basis of seniority having basic qualification as SSC. (Copies of Relevant record are attached as annexure "G")
- H. That the appellant would like to offer some other additional grounds during the course of arguments

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where the stance of the respondents is known to the appellant.

It is therefore humbly prayed that the instant appeal may graciously be accepted as prayed for the above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to the appellant.




Appellant

Through

Dated: 05/10/2021



Zahir Shah Marwat



Zahid Rasheed
Advocates, High Court
Peshawar

&



Shahid Raza Khan
Attorney At Law.

6

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR

Service Appeal No. _____ 2021

Sami Ullah Khan.....(Appellant)

Versus

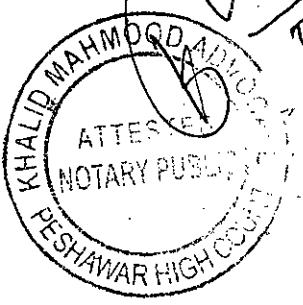
District & Sessions Judge Lakki Marwat and
others.....(Respondents).

AFFIDAVIT

I, Sami Ullah Khan Senior Clerk, District Courts Lakki Marwat., do hereby affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

[Handwritten signature]
5-10-21

DEPONENT



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**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR**

Service Appeal No. _____ 2021

Sami Ullah Khan.....(Appellant)

Versus

District & Sessions Judge Lakki Marwat and
others.....(Respondents).

ADDRESSES OF THE PARTIES

PETITIONER:

Sami Ullah Khan Senior Clerk, District Courts Lakki Marwat.

RESPONDENTS:

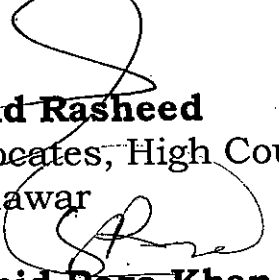
1. District & Sessions Judge, Lakki Marwat.
2. Registrar, Peshawar High Court, Peshawar.
3. Mr. Said Ahmad Assistant (PBS-16), District Courts Lakki Marwat.

Appellant

Through

Dated: 05/10/2021


Zahir Shah Marwat

Zahid Rasheed
Advocates, High Court
Peshawar
& 
Shahid Raza Khan
Attorney At Law.

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**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR**

CM No. _____ 2021

Service Appeal No. _____ 2021

Sami Ullah Khan.....(Appellant)

Versus

District & Sessions Judge Lakki Marwat and
others.....(Respondents).

**APPLICATION FOR INTERIM RELIEF BY
RESTRAINING THE RESPONDENTS FROM
FILLING THE VACANT POST OF ASSISTANT
(BPS-16) TILL THE FINAL DECISION OF THIS
SERVICE APPEAL.**

Respectfully Sheweth:

1. That the petitioner has filled the connected Service Appeal before this Hon'ble Court, which has not yet been fixed.
2. That on the face of record the petitioner has got a strong arguable case and is sanguine about its success.
3. That two posts of Assistant (BPS-16) is lying vacant in the respondent department and they are going to fill the same and if the respondents were not

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restrained there will be irreparable loss to the appellant.

4. That the grounds of main Service Appeal may also be considered as grounds of this application.
5. That any other ground will be taken at the time of arguments with the kind permission of this Hon'able court.

It is therefore, humbly prayed that on acceptance of this application, the respondents may kindly be restrained from filling the vacant post of Assistant (BPS-16) till the final disposal of main Service Appeal.

Petitioner

Through

Dated: 05/10/2021


Zahir Shah Marwat

Zahid Rasheed
Advocates, High Court
Peshawar

&


Shahid Raza Khan
Attorney At Law

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BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR

CM No. _____ 2021

Service Appeal No. _____ 2021

Sami Ullah Khan.....(Appellant)

Versus

District & Sessions Judge Lakki Marwat and
others.....(Respondents)..

AFFIDAVIT

I, Sami Ullah Khan Senior Clerk, District Courts Lakki Marwat., do hereby affirm and declare on oath that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

ORDER

(11)

(A)

Consequent upon the creation of the post of District & Sessions Judge, Lakki and appointment of Additional District & Sessions Judge, Lakki along with complimentary staff the following appointment, transfers and postings are made in the public interest with immediate effect:-

- 1- Mr. Mashal Khan Steno-typist (SPS-12) to Additional Civil Judge, Lakki is appointed as Sr. Scale Stenographer (SPS-15) and posted as such to Additional District & Sessions Judge, Lakki against the vacant post.
- 2- Mr. Liaqat Ali Khan son of Taj Ali Khan resident of Mohallah Shero Khel Tehsil and District Lakki is appointed as Steno-typist (SPS-12) and posted as such to Additional Civil Judge, Lakki vice No.1.
- 3- Mr. Samiullah Khan son of Bakht Jamal resident of village Abba Khel Tehsil and District Lakki is appointed as Moharrir (SPS-5) to District & Sessions Judge, Lakki and posted as such against the newly created post.
- 4- Mr. Sher Shah Moharrir (SPS-5) to Senior Civil Judge, Lakki is transferred and posted as Moharrir (SPS-5) to District & Sessions Judge, Lakki against the vacant post caused by the promotion of Mr. Nasrullah Khan as English Clerk (SPS-6).
- 5- Mr. Asmatullah Khan Moharrir (SPS-5) to Additional Civil Judge, Lakki is transferred and posted as Moharrir (SPS-5) to Senior Civil Judge, Lakki vice No.4.
- 6- Mr. Abdul Munir son of Ghulam Sarwar resident of Mohallah Lakki Mino Khel Tehsil and District Lakki is appointed as Moharrir (SPS-5) and posted as such to Additional Civil Judge, Lakki vice No.5.

Note The Services of M/s Liaqat Ali Khan, Samiullah Khan and Abdul Munir are purely on temporary basis and are liable to termination without any notice. They are directed to submit medical fitness certificates immediately. Mr. Liaqat Ali Khan Steno-typist is directed to improve his Short Hand and Typing within three months otherwise his services shall be terminated.

Dated Lakki the _____
2nd December, 1993.

(Muhammad Anwar Khan)
District & Sessions Judge
Lakki.

ATTESTED

[Signature]
Examiner to
District & Session Judge
Lakki Marwat

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ORDER

Consequent upon the creation of post of District & Sessions Judge, Lakki and appointment of Additional District and Sessions Judge, Lakki along with complimentary staff, the following appointment, transfers and postings are made in the public interest with the following effects:-

- 1- Mr, Mashal Khan steno-typist (BPS-12) to Additional Civil Judge, Lakki is appointed as Sr, Scale stenographer (BPS-15) and posted as such to Additional District and Session Judge, Lakki against the vacant post.
- 2- Mr, Liaqat Ali Khan son of Taj Ali Khan resident of Mohalla Sher Khel Tehsil and District Lakki is appointed as steno-typist (BPS-12) and posted as such to Additional Civil Judge, Lakki vice no.1.
- 3- Mr, Samiullah khan son of Bakht Jamal resident of village Abba Khel Tehsil and District Lakki is appointed as Moharrir (BPS-5) to District & Sessions Judge Lakki and posted as such against the newly created post.
- 4- Mr, She Shah Moharrir (BPS-5) to Senior Civil Judge, Lakki is transferred and posted as Moharrir (BPS-5) to District & Sessions Judge, Lakki against the vacant post caused by the promotion of Mr, Nasrullah khan as English Clerk (BPS-6)
- 5- Mr, Asmatullah Khan Moharrir (BPS-5) to Additional Civil Judge, Lakki is transferred and posted as Moharrir (BPS-5) to Senior Civil Judge, Lakki vice no .4.
- 6- Mr, Abdul Munir son of Ghhulam Sarwar resident of Mohallah Lakki Mina Khel Tehsil and District Lakki is appointed as Moharrir (BPS-5) and posted as such to Additional Civil Judge, Lakki vice no.5.

Note

The service of Mr, Liaqat Ali Khan, Samiullah khan and Abdul Munir are purely on temporary basis and are liable to termination without any notice. They are directed to submit the medical fitness certificates immediately. Mr, Liaqat Ali Khan Steno-typist is directed to improve his short hand and typing within three months, otherwise his service shall be terminated.

Dated

2nd December, 1993

(Muhammad Ashraf Khan)

District & Sessions Judge Lakki

SK
ATTESTED

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Order N 2046-2054 Dated Larkana 1/10/1933, 1933.

Copies forwarded for information to:-

- 1- The Additional District & Sessions Judge, Larkana.
- 2- The Senior Civil Judge, Larkana.
- 3- The Additional Civil Judge, Larkana.
- 4- Officials concerned.

M. Ashraf Khan

(Muhammad Ashraf Khan)
District & Sessions Judge,
Larkana.

~~ATTESTED~~

~~Examiner to
District & Session Judge,
Larkana~~

ATTESTED

~~Examiner to
District & Session Judge,
Larkana~~

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Endst;- N 2046-2054 dated Lakki No 2 December 1993

Copy forwarded for information to:-

- 1- The Additional District & Sessions Judge, Lakki
- 2- The Senior Civil Judge, Lakki
- 3- The Additional Civil Judge, Lakki
- 4- Officials concerned.

(Muhammad Ashraf Khan)

District & Sessions Judge, Lakki

JV
ATTESTED

WORKING PAPER FOR PROMOTION OF MINISTERIAL STAFF DISTRICT COURTS, KHYBER PAKHTUNKHWA
NAME OF THE ESTABLISHMENT: STAFF OF THE COURT OF DISTRICT & SESSIONS JUDGE, LAKKI MARWAT.
PROMOTION TO THE VACANT POST OF ASSISTANT (BPS-16)
NUMBER OF VACANT POSTS OF ASSISTANT - 01
TO BE FILLED IN FROM AMONGST HOLDER OF THE POST OF SENIOR CLERKS (BPS-14) (25% initial recruitment & 75% on promotion)

S.No	Name (In order 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	Typing speed	Shorthand speed	Computer of proficiency	QUALIFICATION				PERFORMANCE EVOLUTION						Remarks								
									Matric	FA/ F.Sc	BA/ B.Sc	others	2016		2017		2018										
									Division/grade				Average	Good	Very Good	Average	Good	Very Good		Average	Good	Very Good					
1	Samiullah	Senior Clerk	15.09.03	04.12.93	Junior Clerk				E																		
2	Muhammad Iqbal	Senior Clerk	23.09.10	22.01.90	Chowkidar				C					Good			Good					Good					
3	Said Ahmad	Senior Clerk	15.11.95	15.11.95	Junior Clerk				D	D	2 nd					Good									Very Good		
4	Abdul Munir	Senior Clerk	30.11.95	30.11.95	Junior Clerk				B	D				Good											Very Good		

Prepared by

Checked by

Countersigned by District & Sessions Judge,

ATTESTED

Examiner,
District & Sessions
Lakki Marwat

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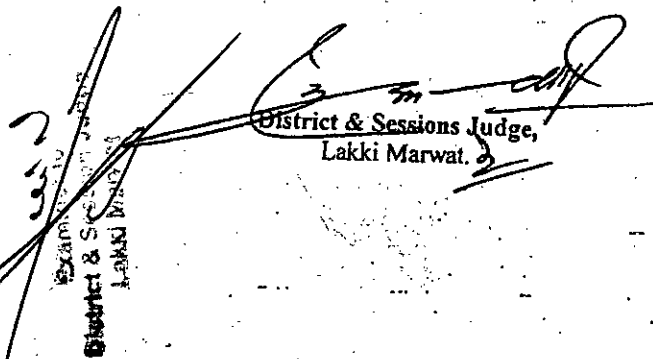
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Final Seniority List in respect of Senior Clerk (BPS-14) of the District Judiciary, Lakki Marwat for the year, 2019

Total Sanctioned Strength : 08
 District & Session Judge : 02
 Senior Civil Judge : 06
 Vacant Post : 02

S. #	Name	Father's Name	Qualification	Date of Birth	Present Post held with BPS	Date of Initial Appointment	Date of Recruitment to the Present Post	Mode of Recruitment	Date of attaining Superannuation
1	Samiullah	Haji Bakht Jamal	Metric	01/11/1966	Senior Clerk (BPS-14)	04/12/1993	15/09/2003	Promotion	31/10/2029
2	Muhammad Iqbal	Gul Faraz	Metric	20/03/1973	Senior Clerk (BPS-14)	22/01/1990	21/09/2010	Promotion	19/03/2036
3	Said Ahmad	Ghulam Muhammad	BA	08/06/1972	Senior Clerk (BPS-14)	15/11/1995	21/12/2010	Promotion	07/06/2035
4	Abdul Munir	Ghulam Sarwar	FA	24/12/1972	Senior Clerk (BPS-14)	30/11/1995	25/11/2011	Promotion	23/12/2035
5	Abdul Hai	Sher Ali	Metric	27-06-1974	Senior Clerk (BPS-14)	06-02-1996	11-09-2013	Promotion	26-06-2037
6	Muhammad Naseer	Muhammad Nazir	Metric	23/11/1976	Junior clerk (BPS-11)	05/12/1995	24/02/2018	Promotion	22/11/2039
	02 posts Vacant								

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 District & Sessions Judge,
 Lakki Marwat.

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MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE HELD ON 19/12/2019 AT 09:30 A.M. IN THE OFFICE OF THE DISTRICT & SESSIONS JUDGE, LAKKIMARWAT.

In light of the direction of august Peshawar High Court, Peshawar, issued vide Letter bearing No.23744/SDJ/PHC/HRW/03-V.I-13-2019 dated Peshawar, the 18/12/2019, meeting of the Departmental Promotion Committee was held on 19/12/2019 at 09:30 AM, in the office of the District & Sessions Judge, Lakki Marwat which was attended by the following:

1. Syed Zamarrud Shah, District & Sessions Judge, Lakki Marwat as the Chairman of the committee.
2. Muhammad Asghar Ali, Senior Civil Judge (Admn), Lakki Marwat, nominee of the District & Sessions Judge, Lakki Marwat as a member.
3. Sayed Fazal Wadood, Senior Civil Judge (Admn), Karak, nominee of the Peshawar High Court, Peshawar as a member.

AGENDA NO.1: PROMOTION TO THE VACANT POST OF ASSISTANT (BPS-16):

The Committee at the very outset considered the factum of calculation of quota by promotion and through direct recruitment of the vacant post of Assistant (BPS-16). In the quota of promotion vis-à-vis direct recruitment was calculated and it was transpired that one slot exists for promotion. After examining the record of prospective officials for the post of Assistant (BPS-16), the Committee found that:

1. The senior most officials amongst the holders of the post of Senior Clerk (BPS-14) Mr. Sami Ullah, Senior Clerk and Muhamma Iqbal Senior Clerk BPS 14 do not possess the requisite requirements/qualification being not Graduates, hence could not be recommended for promotion to the slot of Assistant (BPS-16).

The committee, therefore, unanimously decided to drop the names of officials at serial No. 1 & 02 being not eligible. So keeping in view the criteria of seniority cum fitness, **Mr. Said Ahmed, Senior Clerk (BPS-14) having degree of Graduation**, stands promoted to the post of Assistant (BPS-16).

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[Signature]
EXAMINER
District & S
Lakki Marwat

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AGENDA ITEM NO. 2: PROMOTION TO THE VACANT POST OF SENIOR SCALE STENGRAPHER (BPS-16):

The Committee at the very outset considered the factum of calculation of quota by promotion and through direct recruitment of the vacant post of Stenographer (BPS-16). In the quota of promotion vis-à-vis direct recruitment was calculated and it was transpired that one slot exists for promotion, so keeping in view the criteria of seniority cum fitness Mr. Muhammad Ilyas, Steno Typist (BPS-14) stands promoted to the post Senior Scale Stenographer (BPS-16).

AGENDA ITEM NO. 3: PROMOTION TO THE VACANT POST OF JUNIOR SCALE STENGRAPHER / STENOTYPIST (BPS-14):

After calculating the quota through promotion, it was found that one post of Steno Typist (BPS-14) is available for the purpose of promotion through Departmental Promotion Committee from amongst the holders of the posts of Key Punch Operator (BPS-10) but it was observed by the Committee that the post of Key Punch Operator (BPS-10) was re-designated with the name of Computer Operator by the Provincial Government and was upgraded from time to time and recently the post of Computer Operator is placed in BPS-16. It was unanimously concluded that the promotion cannot be made from Computer Operator (BPS-16) to lower grade of Steno Typist (BPS-14).

In this scenario, one post of Steno Typist (BPS-14) remained vacant, which is to be filled through direct recruitment process to be conducted at proper time.

AGENDA ITEM NO. 4: PROMOTION TO THE VACANT POST OF SENIOR CLERK (BPS-14):

After the promotion of Senior Clerk (BPS-14) to the post of Assistant (BPS-16), a post of Senior Clerk (BPS-14) became vacant and similarly two posts of Senior Clerk were already lying vacant in the establishment of Senior Civil Judge, Lakki Marwat. Therefore, for filling up the said vacant posts of Senior Clerk (BPS-14), the senior most officials amongst Junior Clerks (BPS-11) were interviewed one by one and their academic/professional records were also examined subjectively and objectively. After examining the record of prospective officials for the post of Senior Clerk (BPS-14), the Committee found that:

1. The nomenclature of Mr. Asmat Ullah Junior Clerk could not be considered for promotion because of his demotion from BPS 11 to BPS 06.

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Examiner to
District & Sessions Judge
Lakki Marwat

2. Keeping in view the unanimous decision of the Committee, being based on the prescribed criteria of seniority cum fitness, the following officials/ Junior Clerks were recommended for promotion against the vacant posts of Senior Clerks (BPS-14).

S.No.	Name of official	Promoted		Remarks
		From	To	
01 ✓	Mumtaz Khan	Junior Clerk (BPS-11)	Senior Clerk (BPS-14)	Against the vacant post of Mr.Sanaullah, Ex-Senior Clerk on his retirement on 11-04-2018.
02 ✓	Javed Iqbal	Junior Clerk (BPS-11)	Senior Clerk (BPS-14)	Against the newly created post of senior Clerk (BPS-14) in the establishment of the Senior Civil Judge, Lakki Marwat vide Peshawar High Court, Peshawar letter endst: No.6150-79/B&A/ dated Peshawar the 30-11-2018.
03 ✓	Sarfraz	Junior Clerk (BPS-11)	Senior Clerk (BPS-14)	Against the vacant post of Mr.Said Ahmad, Senior Clerk (BPS-14) on his promotion to the post of Assistant (BPS-16) during the recent DPC meeting on 19-12-2019.

AGENDA ITEM NO. 5: PROMOTION TO THE VACANT POSTS OF JUNIOR CLERK (BPS-11):

After the promotion of Junior Clerks (BPS-11) to the posts of Senior Clerk (BPS-14), the total strength of vacant seats of Junior Clerks became 13, of which three seats are to be filled through promotion from amongst the holders of the posts of Daftari and Record Lifter subject to fulfillment of the requisite requirements on the basis of seniority cum fitness. After examining the record of prospective officials for the post of Junior Clerk (BPS-11), the Committee found that:

1. The senior most official amongst the holders of the post of Daftari named Mr. Ihsan Ullah, Daftari (BPS-05) possesses the requisite qualification i.e. Matric and service length of more than five years, therefore, the Committee unanimously recommended him for promotion to the post of Junior Clerk BPS-11.

On examination of common seniority list, it was revealed that the same needs to be prepared in accordance with Peshawar High Court (Subordinate

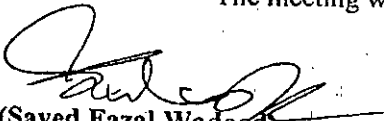
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Examiner to
District & Session Judge
Lakki Marwat

Courts Staff) Recruitment Rules, 2003 notified vide notification No. J-39 dated 26.03.2003 read with guide lines of Peshawar High Court Peshawar circulated vide notification No.2315/49/SDJ/Reg dated 29.04.2019, therefore, the promotion on the two vacant posts of Daftari BPS-05 and two vacant posts of Junior Clerks BPS-11 would be considered after preparation of the Common Seniority List accordingly.

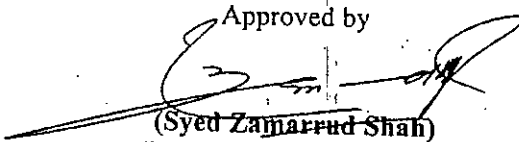
In this scenario, Two posts of Junior Clerk (BPS-11) & two posts of Daftari remained vacant, which would be filled in the next DPC to be conducted at proper time and the other available ten (10) vacant posts of Junior Clerks and others will be filled through direct recruitment process.

The meeting was concluded with a vote of thanks.


(Sayed Fazal Wadood)
Senior Civil Judge (Admn), Karak.
(Nominee of PHC, Peshawar)


(Muhammad Asghar Ali)
Senior Civil Judge (Admn),
Lakki Marwat.
(Nominee of the Chairman)

Approved by



(Syed Zamarrud Shah)
District & Sessions Judge,
Lakki Marwat.
(Chairman)

Endst: No. 3949-52/DSJ/LM


Dated Lakki the 19/12/2019.

Copy Forwarded for information to:

1. The Registrar, Peshawar High Court, Peshawar for information, please.
2. The Director Regulation, Sectarial of District Judiciary, Peshawar High Court, Peshawar for information, please.
3. Sayed Fazal Wadood, Senior Civil Judge (Admn), Karak (Nominee of the Peshawar High Court, Peshawar) for information.
4. Muhammad Asghar Ali, Senior Civil Judge (Admn), Lakki Marwat (Nominee of the Chairman for DPC) for information.


District & Sessions Judge,
Lakki Marwat.
(Chairman)

ATTESTED


Examinee
District & Sessions Judge
Lakki Marwat

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OFFICE OF THE DISTRICT & SESSIONS JUDGE, LAKKI MARWAT.

No. 3960 D&S.J/Admn/LM

Dated 20-12-2019

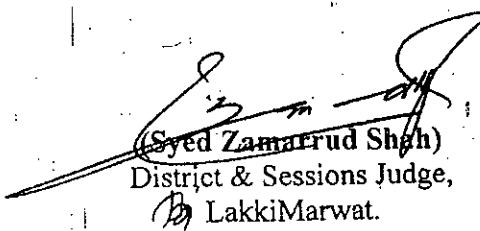
OFFICE ORDER:

Consequent upon the recommendations of the Departmental Promotion Committee in its meeting held on 19-12-2019 at 09:30 AM, the promotion of the following staff member against the vacant post of Assistant (BPS-16) is hereby made with effect from 19-12-2019 as per terms and conditions, given below:

S. No.	Name of Official	Promoted		
		from the Post of	to the Post of	Remarks
1	Mr. Said Ahmad	Senior Clerk (BPS-14)	Assistant (BPS-16)	Against the vacant post of Mr. Sher Shah, Ex-Assistant on his retirement from his service.

Terms and conditions:

1. The promotion shall be purely on temporary basis and liable to confirmation at the expiry of the prescribed period of probation i.e one year.
2. The promotion shall also be subject to verification of his educational credentials/ Degrees from the concerned board/institution/university.


(Syed Zamrud Shah)
District & Sessions Judge,
LakkiMarwat.

Endts: No. 3961-65 /D&SJ/Admn/L.M

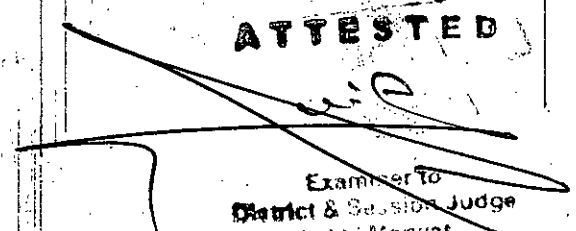
Dated Lakki, the 20/12/2019

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar for information, please.
2. Sayed Fazal Wadood, Senior Civil Judge (Admn), Karak (Nominee of the Peshawar High Court, Peshawar as a member) for information.
3. Muhammad Asghar Ali, Senior Civil Judge (Admn), LakkiMarwat (Nominee of the Chairman as a member) for information.
4. The District Accounts Officer, LakkiMarwat for information and further necessary action.
5. The official concerned.


District & Sessions Judge,
LakkiMarwat.

ATTESTED


Examiner to
District & Sessions Judge
Lakki Marwat

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**BEFORE HON'BLE THE CHIEF JUSTICE
PESHAWAR HIGH COURT, PESHAWAR**

Through: Hon'ble the Registrar Peshawar High Court,
Peshawar.

Through Proper Channel:

**Subject: DEPARTMENTAL APPEAL/REPRESENTATION
AGAINST THE ORDER DATED 19-12-2019 OF
DISTRICT & SESSIONS JUDGE LAKKI MARWAT
WHEREBY THE APPELLANT WAS DENIED
PROMTION.**

Respectfully Sheweth:

Brief Facts of the case culminating in the instant department appeal are as under:-

1. That the appellant was initially appointed as Junior Clerk on dated 02-12-1993 and presently serving as Senior Clerk in District Courts Lakki Marwat.
2. That the appellant is enjoying top position in the 2019 Sonority List prepared and maintained for promotion of Senior Clerk to post of Assistant (BPS-16).
3. That for the said promotion, DPC was constituted and convened, whereby one candidate was promoted to BPS-14 to Assistant BPS-16, whereas the appellant was denied promotion on account of lower qualification i.e. SSC/Metric.

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[Signature]
Examinee to
District & Session Judge
Lakki Marwat

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4. That the stance of department is as such that the promoted employee were higher in qualification and the appellant does not have that qualification.

Feeling aggrieved at the illegal grounds of respondent, the appellant has approached this majestic chair, inter-alia on the following grounds for redress of his grievances.

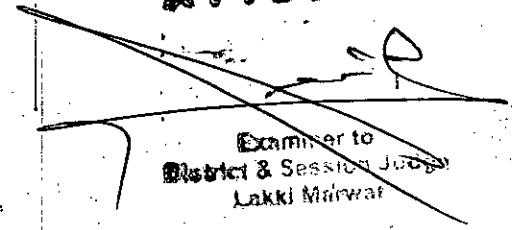
Copies:

- 1- Copy of appointment order of the appellant minutes of meeting for promotion dated 19-12-2019, working paper for promotion year 2019, seniority list of Senior Clerks year 2019 are annexed as A.B.C.D respectively.
- 2- Application in respect of promotion to the post of Superintendent (BPS-17) bearing endost No. 945/DS/Admin Dated 31-03-2017 of Amir Nasar Ullah (present Superintent) and promotion of Amir Nasar Ullah to BPS-17 along with working paper, promotion order of Assistant from Senior Clerk in District Court Kohat annexed as E.F.

Grounds:-

- a. That there is no such policy/rules or any other law, which states that an employee with higher qualification will be promoted and employee with higher seniority list will be ignored. As per law- Estacode and relevant policy an employee must be mentally, physically fit and have more seniority in his colleagues/department.

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Examiner to
District & Session Judge
Lakki Mairwat

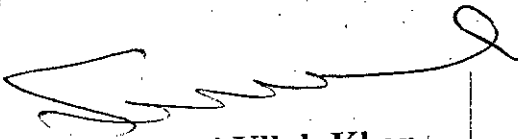
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- b. That similarly the other colleagues in appellant department like Amir Nasrullah was promoted from BPS-14 to BPS-16 and then BPS-16 to BPS-17 to the post of Superintendent on the basis of seniority having basic qualification of S.S.C. Likewise promotion order of Mr. Hamid Shah and Muhammad Iqbal, who both were promoted from Senior Clerk (BPS-14) to Assistant (BPS-16) in District Courts Kohat on the basis of Seniority having basic qualification of S.S.C
- c. The act of the respondents is malfeasance and nonfeasance and based on malafide.
- d. That the petition has not been treated equally before law and at par with others deserved.
- e. That, the relevant policy and rules have put in tatters.
- f. That there are plethoras of precedents whereof petitioner like

employees have been promoted.


It is therefore, humbly requested that the appellant may kindly be given promotion to the post of Assistant (BPS-16) with all back benefits/salaries and arrears. The appellant may also be given top slot amongst already promoted employee. Any other appropriate remedy may also be given.

The appellant also requests for personal hearing and early disposal of appeal in hand.

Dated: 04-01-2020


Sami Ullah Khan
Senior Clerk
District Courts Lakki Marwat.

ATTESTED


Examiner to
District & Session Judge
Lakki Marwat.

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Judgment for copying... 15-9-2 ✓
No. of sheets... 23 sheets ✓
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Copy 15-9-2 ✓
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Name of Examiner.....

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From: District & Sessions Judge,
Lakki Marwat.

No. 463 DSJ-Admn

Dated: 29/02/2020.
E.mail: dsjlakki@yahoo.com

To The Registrar,
Peshawar High Court,
Peshawar.

Subject: DEPARTMENTAL APPEAL NO.03/2020
"SAMI ULLAH KHAN VS D&S.J, LAKKI MARWAT"

Sir,

With reference to your office letter No.2944/Admn dated 15.02.2020; the para wise comments on the subject matter are as under.

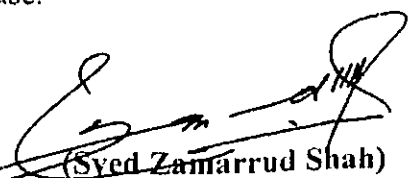
1. Para-1 of the representation is correct.
2. Para-2 is correct to the extent that the applicant was at Serial No.1 of the seniority list of the Senior Clerks, however, he was not considered for promotion as he was lacking the required qualification for the post of Assistant.
3. Para-3 is correct.
4. Para-4 is correct. According to Peshawar High Court, Peshawar (Subordinate Court Staff) recruitment rules, 2003, notified vide No.39-j dated 26-03-2003, the method of promotion/direct recruitment of Assistant as mentioned on page "230" in the Judicial Esta Code-2011 is the required/minimum qualification/criteria for appointment by initial recruitment of the post of Assistant through direct/promotion is mentioned as "**Bachelor's degree from a recognized University**" and "**on the basis of seniority cum fitness from amongst the holderz of the post of Senior Clerks with at least Three years service as such**".

Since the appellant was not having Bachelor Degree which is required for promotion to the post of Assistant (BPS-16), therefore while following the rules on the subject, he was not considered for promotion.

In the light of the above Para-wise comments, the appellant has no right to avail his promotion as "Assistant" and his representation/ departmental appeal is baseless.

The comments are submitted as desired, please.

ATTESTED


(Syed Zamarrud Shah)
District & Sessions Judge,
Lakki Marwat.

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IN THE PESHAWAR HIGH COURT,
PESHAWAR,



Departmental Appeal No.03/2020.

Sami Ullah Khan, Senior Clerk;
Sessions Court, Lakki Marwat.

Appellant (s)

VERSUS

District & Sessions Judge, Lakki Marwat.

Respondent (s)

ORDER

Through the instant Departmental Appeal, Mr. Sami Ullah Khan, Senior Clerk of District Judiciary, Lakki Marwat, the appellant, seeks promotion against the post of Reader/Assistant BS.16, on the ground that he is on top of the seniority list of the Senior Clerk.

2. Appellant present in person was heard in person and Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003 (*to be referred hereinafter the Rules of 2003*), gone through.

3. The appellant is performing his duties against the post of Senior Clerk and he is at top of the seniority list in the said cadre. The Rules of 2003 provides a ladder of promotion to the Senior Clerks against the post of Assistant BS.16 provided the incumbent is equipped with a Bachelor's

For the Appellant

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EXAMINER
Peshawar High Court
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Degree from a recognized University. The appellant is lacking the requisite qualification i.e. Bachelor's Degree from a recognized Institution, therefore, he has rightly not been considered for promotion against the post of Assistant BS.16 by the Departmental Selection Committee to which no exception can be taken.

4. Accordingly, this departmental appeal stands dismissed.

Announced:

13.09.2021

Roohi Sami
Senior Puisne Judge

[Signature]
16 SEP 2021

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II-District Judiciary

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

C.No. 2(2-2)

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

NOTIFICATION

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the North West Frontier Province Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the N.W.F.P specified in column # 2 of the said Appendix.

APPENDIX

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

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

[Signature]
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II-District Judiciary

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

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

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II-District Judiciary

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

		typing in English. Preference will be given to the candidates having knowledge of MS Office. iii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.		
4	Assistant/Reader BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
5	Assistant/Clerk Of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-7) with at least three years service as such.
6	Assistant/Assistant Clerk of Court BPS-11	Bachelor's Degree from a recognized University.	18 - 30 years	i. Twenty five percent by initial recruitment; and. ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of

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From **District & Sessions Judge,
Lakki Marwat.**

No. 945 DSJ-Admn

Dated: 31/03/2017
E.mail: dsjlakki@yahoo.com

To, **The Registrar,
Peshawar High Court,
Peshawar.**

Subject: **APPLICATION FOR PROMOTION TO THE
POST OF SUPERINTENDENT (BPS-17).**

Respected Sir,

With reference to your office letter No.2853/Admn dated 08-02-2017 on the subject noted above, please find herewith 03 sets of working papers, common seniority list of the assistants and original PERs dossiers in respect of the following assistants as required.

1. Amir Nasrullah Khan, Assistant,
2. Tariq Saleem, Assistant,
3. Sher Shah, Assistant,
4. Asmat Ullah, Assistant,
5. Taj Muhammad, Budget & Accounts Assistant.

Faithfully yours,

Bans

(Mrs. Zarqaish Sani)
District & Sessions Judge
Lakki Marwat.

[Signature]
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ATTESTED

[Signature]
Examiner to
District & Session Judge
Lakki Marwat

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PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar the 18th April, 2017

No. 85 -J In pursuance of the recommendations of Departmental Promotion Committee vide its meeting dated 18.04.2017, Mr. Amir Nasruilah Khan, Assistant is promoted as Superintendent (BPS-17), against the vacant post in the Court of District & Sessions Judge, Lakki Marwat, with immediate effect.

He shall remain on probation for a period of one year, extendable as provided for under the rules.

Seen
B
District & Sessions Judge
Lakki Marwat
26/4/2017

By order of Hon'ble the Chief Justice

(MUHAMMAD SALIM KHAN)
PAS

REGISTRAR

Dated Pesh the 22/4/2017

Encls: No: 7471-7509 / Admn:


Copy forwarded to: -

1. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officer, Lakki Marwat.
4. The Deputy Registrar (Accounts), Peshawar High Court, Peshawar.
5. The Assistant Registrar (Confidential), Peshawar High Court, Peshawar.
6. The PS to Hon'ble Chief Justice, Peshawar High Court, Peshawar.
7. The PS to Registrar, Peshawar High Court, Peshawar.
8. The PA to AR (Admn), Peshawar High Court, Peshawar.
9. The official concerned by name.

(MUHAMMAD SALIM KHAN)
PAS

REGISTRAR

ATTESTED


Examiner to
District & Session Judge
Lakki Marwat



ATTESTED

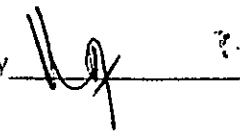
7

WORKING PAPER FOR PROMOTION TO THE POST OF SUPERINTENDENT (BPS-17)
NAME OF THE ESTABLISHMENT= DISTRICT AND SESSIONS JUDGE LAKKI MARWAT
PROMOTION TO THE POST OF SUPERINTENDENT (BPS-17)
NUMBER OF VACANT POST OF SUPERINTENDENT= 01
TO BE FILLED IN FROM AMONGST HOLDERS OF THE POSTS OF ASSISTANT (BPS-16)

S.NO	Name (in order 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	Typing speed	Shorthand speed	Computer of proficiency	QUALIFICATION				PERFORMANCE EVOLUTION						Remarks					
									Matric	FA/ Fsc	BA/ Bsc	others	2014		2015		2016							
									Division/grade				Average	Good	v. good	Average	Good	v. good		Average	Good	v. good		
1	Amir Nasrullah	Assistant (BPS-16)	09/10/2000	26/06/1978	Record Lifter	-	-	-	2 nd	-	-	-	-	-	V. Good	-	Good	-	-	-	V. Good	ATTESTED		
2	Tariq Saleem	Assistant (BPS-16)	21/04/2003	09/04/2003	Assistant	-	-	-	2 nd	3 rd	3 rd	-	-	Good	-	Good	-	-	-	Good	Good		V. Good	
3	Sher Shah	Assistant (BPS-16)	17/02/2010	29/08/1986	Junior Clerk	-	-	-	2 nd	2 nd	2 nd	LLB 2 nd	-	-	V. Good	-	Good	-	-	-	Good		Good	V. Good
4	Asmatullah	Assistant (BPS-16)	17/02/2010	21/01/1991	Junior Clerk	-	-	-	2 nd	2 nd	2 nd	-	-	Good	-	Good	-	-	-	-	V. Good		V. Good	
5	Taj Muhammad	Budget & Accounts Assistant (BPS-15)	01/10/2010	29/01/2008	Naib Qasid	-	-	-	1 st	1 st	2 nd	MBA 1 st	-	-	Good	-	Good	-	-	-	V. Good		V. Good	

Examined by
 District & Sessions Judge
 Lakki Marwat

Prepared by 

Checked by 

Countersigned by 
 District & Sessions Judge,
 Lakki Marwat

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Final Seniority List in respect of Assistant (BPS-14/16) of the District Judiciary, Lakki Marwat as it stood on 31-12-2016.

Total Sanctioned Strength= 06
 District & Session Judge= 04
 Senior Civil Judge= 02

1	2	3	4	5	6	7	8	9	10	
S#	Name	Father's Name	Designation	Qualification	Date of Birth	Present Post held with BPS	Date of Initial Appointment	Date of Recruitment to the Present Post	Mode of recruitment	Date of attaining superannuation
1	Amir Nasrullah Khan	Ghulam Sarwar	Assistant	Matric	16/11/1959	Assistant (BPS-16)	26/06/1978	09/10/2000	By Promotion	15/11/2019
2	Tariq Saleem	Muhamamad Saleem Khan	Assistant	BA	03/04/1979	Assistant (BPS-16)	09/04/2003	21/04/2003	Direct	02/04/2039
3	Rehnastullah	Abdullah Khan	Assistant/Civil Nazir	Matric	10/12/1956	Assistant (BPS-15)	03/09/1977	25/02/2004	By Promotion	09/12/2016 (now Retired)
4	Sher Shah	Kabul Khan	Assistant	BA.LLB	14/12/1958	Assistant (BPS-16)	29/08/1986	17/02/2010	By Promotion	13/12/2018
5	Asmatullah	Haji Mir Sahib Khan	Assistant	BA.	01/09/1972	Assistant (BPS-16)	21/01/1991	17/02/2010	By Promotion	31/08/2032
6	Taj Muhammad	Saleh Muhammad	B & A Assistant	MBA	13/03/1985	Budget & Account Assistant (BPS-15)	29/01/2008	01/10/2010	Direct	12/03/2045

Dated: 20/03/2017

Note: The official at Sr. No. 6 has been included provisionally subject to Up-gradation of the post of B&A Assistant from BPS-15 to BPS-16.

District & Session Judge
 Lakki Marwat
 District & Session Judge
 Lakki Marwat

ATTESTED

W



35

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the Senior Civil Judge, Lakki Marwat

Ph # 0969-538078 Fax # 0969-538078 E-Mail:scjlakkiMarwat@gmail.com

No. 300-309 SCJ/LM

Dated: 24/02 /2018.

OFFICE ORDER.

Consequent upon the recommendations of the Departmental Promotion Committee, vide its meeting dated 24/02/2018, held in the office of the undersigned, the following promotions are hereby ordered with effect from today i.e 24/02/2018.

S.No	Name of the Official	Designation	Promoted to the Post of
①	Haji Zardad	Execution Moharrir/Naib Nazir	Civil Nazir/Assistant (BPS-16)
2	Mr.Usman Ghani	Bailiff	Execution Moharrir/Naib Nazir(BPS-11)
3	Mr. Mirz Ali Khan	Bailiff	Execution Moharrir/Naib Nazir(BPS-11)
4	Khurshid Alam	Process Server	Bailiff (BPS-06)
5	Mr. Salemm Ullah	Process Server	Bailiff (BPS-06)

1. They shall remain on probation for one year during which their performance in the post will be kept under observation.
2. They shall be entitled to regularization at the end of the said period unless extended.
3. Necessary entry in their service books be recorded.

(Syed Hamid Qasim)
Senior Civil Judge,
LakkiMarwat

Endst;No. and date even:

Copy forwarded for information to:

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble District & Sessions Judge, Lakki Marwat.
3. Muhammad Farooq Ahmad, CJ-II/Naurang, Lakki (Nominee of Senior Civil Judge, Lakki Marwat).
4. Mr. Ibne Yameen Assistant Registrar, Bench Bannu (Nominee of August Peshawar High Court, Peshawar).
5. The District Account Officer, Lakki Marwat for necessary action.
6. All the appointees by name.
7. Office copy.

ATTESTED

Examiner to
District & Session Judge
Lakki Marwat

(Syed Hamid Qasim)
Senior Civil Judge,
Lakki Marwat.

Final Seniority List in respect of Assistants (BPS-16) of the District Judiciary, Lakki Marwat for the year 2020

Total Sanctioned Strength : 06

District & Session Judge : 04

Senior Civil Judge : 02

S. #	Name	Father's Name	Qualification	Date of Birth	Present Post held with BPS	Date of Initial Appointment	Date of Recruitment to the Present Post	Mode of Recruitment	Date of attaining Superannuation
1	Tariq Saleem	Muhammad Saleem	BA	03/04/1979	Assistant (BPS-16)	09/04/2003	21/04/2003	Direct	02/04/2039
2	Asmatullah	Haji Mir Sahib Khan	BA	01/09/1972	Assistant (BPS-16)	21/01/1991	25/11/2011	Promotion	31/08/2032
3	Taj Muhammad	Saleh Muhammad	MBA	13/03/1985	Accountant (BPS-16)	29/01/2008	01/10/2010	Direct	12/03/2045
4	Mir Abbas	Nizam Khan	BA	07/11/1966	Assistant (BPS-16)	10/09/1987	24/02/2018	Promotion	06/01/2026
5	Zardad Khan	Yousaf Jan	Matric	12/08/1966	Civil Nazir (BPS-16)	13/09/1986	26/02/2018	Promotion	11/08/2026
6	Said Ahmad	Ghulam Muhammad	BA	08/06/1972	Assistant (BPS-16)	15/11/1995	19-12-2019	Promotion	07/06/2032


District & Sessions Judge,
Lakki Marwat.

ATTESTED

Examined by
District & Sessions Judge
Lakki Marwat

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SENIORITY LIST OF THE ESTABLISHMENT OF SESSIONS COURT LAKKI MARWAT AS STOOD ON 31/12/2008

S#	Name	Designation	BPS	Date of Birth	Date of Initial Appointment	Date of Promotion as present	Date of Qualifying Service	Date of Superannuation on 60 years	Signature	Remarks	
1.	Awal Zaman	Superintendent	16	20-09-1968	24-10-1988	01-07-1994	24-10-2013	20-09-2028	<i>Awal Zaman</i>		
2.	Mashal Khan	Steno Grapher	15	03-01-1959	26-05-1987 (BPS-12)	03-12-1993 (BPS-15)	26-05-2012	03-01-2019		ATTESTED	
3.	Liaqat Ali	Steno Grapher	15	03-04-1974	19-11-1995 (BPS-12)	12-04-2000 (BPS-15)	19-11-2020 (BPS-15)	03-04-2034	<i>Liaqat</i>		
4.	Siraj Ud Din	Steno Grapher	15	01-05-1975	02-11-1995 (BPS-05)	6-02-2004 (BPS-15)	02-11-2020	01-05-2035	<i>Siraj</i>		
5.	Muhammad Ilyas	Stenotypist	12	06-07-1980	10-12-1999 (BPS-05)	01-10-2003 (BPS-12)	10-12-2024	06-07-2040	<i>Muhammad Ilyas</i>		
6.	Rashid Ahmed	Stenotypist	12	03-10-1984	08-04-2004 (BPS-12)	08-04-2004 (BPS-12)	08-04-2029	03-10-2044	<i>Rashid</i>		
7.	Faridullah	Stenotypist	12	04-03-1986	29-05-2007	07-11-2007	29-05-2032	07-03-2046	<i>Faridullah</i>		
8.	Abdul Baqi	Stenotypist	12	20-03-1981	24-01-2004	24-01-2004	24-01-2029	20-03-2041	<i>Abdul Baqi</i>		
x 9.	Shah Alam	Assistant	14	12-09-2049	06-06-1973	19-11-1995	06-06-1998	12-09-2009	<i>Shah Alam</i>		
x 10.	Abdul Manan	Assistant	14	15-10-1949	02-05-1973	04-04-1996	02-05-1998	15-10-2009	<i>Abdul Manan</i>		
11.	Nasrullah	Assistant	14	16-11-1957	26-06-1978	09-10-2000	26-06-2003	16-11-2019	<i>Nasrullah</i>		
12.	Tariq Saleem	Assistant	14	03-04-1979	09-04-2003 (BPS-11)	09-04-2003 (BPS-11)	09-04-2028	03-04-2039			On detailment at District Court Peshawar
13.	Amir Hamza	K.P.O	10	04-01-1981	15-08-2003 (BPS-10)	15-08-2003 (BPS-10)	15-08-2028	04-01-2041	<i>Amir Hamza</i>		
x 14.	Fazal Ur Rehman	K.P.O	10	18-12-1981	15-08-2003 (BPS-10)	15-08-2003 (BPS-10)	15-08-2028	08-12-2041	<i>Fazal Ur Rehman</i>		
15.	Ihsan Ullah	K.P.O	10	18-03-1982	15-08-2003 (BPS-10)	15-08-2003 (BPS-10)	15-08-2028	08-03-2042	<i>Ihsan Ullah</i>		

Examiner of District & Sessions Judge LAKKI MARWAT

31-12-2008

15	Abid Ahmad	K.P.O	10	14-12-1968	21-01-2004 (BPS-01)	13-11-2006 (BPS-10)	21-01-2029	14-12-2028	APWS	
17	Faz Ahmad Shih	K.P.O	10	14-09-1986	13-11-2006 (BPS-10)	13-11-2006 (BPS-10)	13-11-2031	14-09-2046	APWS	
18	Fikhar Alam	K.P.O	10	12-12-1978	21-06-1999	26-11-2008	21-06-2024	12-12-2038	APWS	
19	Muhamamd Ali	Senior Clerk	09	20-10-1949	08-03-1973	01-03-1994	08-03-1998	20-10-2009	APWS	
20	Sher Shih	Senior Clerk	09	14-12-1958	29-08-1986	08-05-1994	29-08-2011	14-12-2018		On detailment at District Court Bannu
21	Asmat Ullah	Senior Clerk	09	01-09-1972	21-01-1991	14-12-1995	21-01-2016	01-09-2032	APWS	
22	Mir Abbas	Senior Clerk	09	07-01-1966	10-09-1987	09-10-2000	10-09-2012	07-01-2026	APWS	
25	Sami Ullah	Senior Clerk	09	01-11-1966	04-12-1993	15-09-2003	04-12-2018	01-11-2026	APWS	
24	Sana Ullah	Senior Clerk	09	12-10-1975	01-11-1995	15-09-2003	01-11-2020	12-10-2035	APWS	
25	Muhammad Iqbal	Junior Clerk	07	20-03-1973	22-01-1990	13-11-1993	22-01-2015	20-03-2033	APWS	
26	Said Ahmed	Junior Clerk	07	08-06-1972	15-11-1995	15-11-1995	15-11-2020	08-06-2032	APWS	
27	Abdul Munir	Junior Clerk	07	24-12-1972	30-11-1995	30-11-1995	30-11-2020	24-12-2032	APWS	
28	Muhammad Naseer	Junior Clerk	07	23-11-1974	07-12-1995	07-12-1995	07-12-2020	23-11-2034	APWS	
29	Asmat Ullah	Junior Clerk	07	15-06-1976	05-06-1996	05-06-1996	05-06-2021	05-06-2036	APWS	
30	Mumtaz Khan	Junior Clerk	07	04-03-1970	04-07-1996	04-07-1996	04-07-2021	04-03-2030	APWS	
31	Ahmad Saeed Qureshi	Junior Clerk	07	15-09-1976	23-11-2000	23-11-2000	23-11-2025	15-09-2036	APWS	
32	Javed Iqbal	Junior Clerk	07	11-07-1976	10-09-2001	10-09-2001	10-09-2026	11-07-2036	APWS	
33	Sarfaraz	Junior Clerk	07	16-03-1973	05-12-1993	02-04-2003	05-12-2018	16-03-2033	APWS	
34	Hameed Ullah	Junior Clerk	07	02-02-1973	16-11-1995	29-01-2004	16-11-2020	02-02-2033	APWS	
35	Aslam Khan	Junior Clerk	07	13-04-1972	20-11-1995	08-04-2004	20-11-2020	13-04-2032	APWS	
36	Muhammad Iqbal	Junior Clerk	07	16-01-1968	24-01-2004	08-04-2004	24-01-2029	16-01-2028	APWS	

ATTESTED
 Examiner to
 District & Session Judge
 District Court Bannu

37.	Arshad Munir	Junior Clerk	07	05-09-1978	08-04-2004	08-04-2004	08-04-2029	05-09-2038	<i>[Signature]</i>	
38.	Arshad Alam	Junior Clerk	07	15-03-1981	13-11-2006	13-11-2006	13-11-2031	15-03-2041	<i>[Signature]</i>	
39.	M.Suleman Yousaf	Junior Clerk	07	20-09-1982	13-11-2006	13-11-2006	13-11-2031	20-09-2042	<i>[Signature]</i>	
40.	Rahimullah	Junior Clerk	07	16-03-1979	24-01-2004	26-11-2008	24-01-2029	26-03-2039	<i>[Signature]</i>	
x 41.	Syed Badshah	Junior Clerk	07	04-02-1981	08-09-2003	08-09-2003	08-09-2028	04-02-2041		
42.	Naqibullah	Junior Clerk	07	21-12-1985	26-11-2008	26-11-2008	26-11-2033	21-12-2045	<i>[Signature]</i>	
43.	Gul Alam	Driver	06	01-10-1953	01-03-1994	01-03-1994	01-03-2019	01-10-2013	<i>[Signature]</i>	
44.	Tahir Shah	Bailiff	04	01-01-1973	19-11-1995	30-01-2003	19-11-2020	01-01-2033		
45.	Tajdar Adil	Process Server	03	14-09-1981	26-02-2004	26-02-2004	26-02-2029	14-09-2041	<i>[Signature]</i>	
46.	Adnan Yousaf	Process Server	03	04-04-1983	26-02-2004	26-02-2004	26-02-2029	04-04-2041	<i>[Signature]</i>	
47.	Latif-ur-Rehman	Daftari	03	01-03-1966	24-01-2004	26-11-2008	24-01-2029	06-03-2026		
48.	Mati Ullah	Daftari	03	16-03-1983	26-02-2004	26-11-2008	26-02-2029	16-03-2043		
49.	Mumtaz Khan	Naib Qasid	02	05-05-1965	05-07-1982	05-07-1982	05-07-2007	05-05-2025		
50.	Abdul Ghani	Naib Qasid	02	13-01-1957	14-19-1986	04-09-1986	14-09-2011	03-11-2017		
51.	Muhammad Azeem	Naib Qasid	02	11-03-1962	06-2-1986	06-2-1986	6-2-2011	11-03-2022	<i>[Signature]</i>	
52.	Fzateh Muhammad	Naib Qasid	02	14-01-1969	13-06-1987	13-06-1987	13-06-2012	14-01-2029	<i>[Signature]</i>	
53.	Ahmed Jan	Naib Qasid	02	08-03-1972	26-09-1995	26-09-1995	26-09-2020	08-03-2032		
54.	Hameed Ullah	Naib Qasid	02	11-03-1974	02-11-1995	02-11-1995	02-11-2020	11-03-2034	<i>[Signature]</i>	
55.	Saleem Khan	Naib Qasid	02	03-07-1971	21-11-1995	21-11-1995	21-11-2020	03-07-2031	<i>[Signature]</i>	
56.	Liaqat Ahmed	Naib Qasid	02	12-3-1979	28-02-2004	28-02-2004	28-02-2029	12-03-2039	<i>[Signature]</i>	
57.	Nawab Ali	Naib Qasid	02	20-02-1982	08-04-2004	08-04-2004	08-04-2029	20-02-2042	<i>[Signature]</i>	
58.	Illaud Din	Naib Qasid	02	20-03-1986	13-11-2006	13-11-2006	13-11-2031	20-03-2046	<i>[Signature]</i>	
59.	Tariq Hamayun	Naib Qasid	02	23-12-1987	26-11-2008	26-11-2008	26-11-2033	23-12-2047		

ATTESTED

Examiner to
District & Session Judge
Arif Marwat

60.	Akhtar Munir	Chowkidar	02	01-01-1961	14-09-1986	14-09-1986	14-09-2011	01-01-2021		
61.	Aslam Khan	Chowkidar	02	13-04-1963	15-11-1995	15-11-1995	15-11-2020	13-04-2023		
62.	Umer Ayaz	Chowkidar	02	17-04-1968	26-02-2004	25-02-2004	26-02-2029	17-04-2028		
63.	Abdul Bari Jan	Chowkidar	02	01-01-1979	23-01-2004	08-04-2004	23-01-2029	01-01-2039		
64.	Habib Ur rehman	Chowkidar	02	06-10-1984	08-04-2004	08-04-2004	08-04-2029	06-04-2044	HGRM	
65.	Aziz Ur Rehman	Sweeper	02	09-06-1961	22-09-1985	22-09-1985	22-09-2010	09-06-2021		
66.	Umer Gul	Sweeper	02	06-11-1965	19-10-1989	19-10-1989	19-10-2014	06-11-2025		
67.	Ihsan Ullah	Sweeper	02	22-12-1978	26-01-2004	26-01-2004	26-01-2029	22-12-2038	Umsyk	
68.	Ghulam Qasim	Sweeper	02	00-00-1973	26-02-2004	26-02-2004	26-02-2029	00-00-2033		
69.	Fazal Ur Rehman	Sweeper	02	00-00-1984	08-04-2004	08-04-2004	08-04-2029	00-00-2044		

Be circulated among the staff member by getting their initials/signatures.

(Muhammad Yaqoob Khattak)
District & Sessions Judge,
Lakki Marwat.
District & Sessions Judge
Lakki Marwat

ATTESTED

Examined by
District & Sessions Judge
Lakki Marwat

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Seniority List of Employees of Peshawar High Court, Peshawar For the Year, 2020

[Signature]
ATTESTED

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Seniority List (Tentative) of the Ministerial Establishment of Peshawar High Court, Peshawar
For the Year 2020

S.No.	Name of Officer/Official alongwith BPS	Qualification	Designation	Date of Birth	Date of 1st Entry in Government Service	Date of Appointment/ Promotional Adjustment/ Reversion in the Peshawar High Court Peshawar	Date of Promotion/ Reversion/ Upgradation on the Present Post/ Grade	Date of attaining the age of 60 years date of Retirement	REMARKS
-------	--	---------------	-------------	---------------	---	--	--	--	---------

DEPUTY REGISTRAR - 3 POST (BPS-19)

Mr. Musaddiq Raouf, (BPS-19)	MAJIC	Deputy Registrar (Accounts)	12-05-1992	08-03-1979	08-03-1979 Jr. Clerk (BPS-05), PHC, Peshawar	08-03-1979 Sr. Clerk (BPS-06), PHC, Peshawar	10-08-2016 Deputy Registrar (BPS-19), PHC, Peshawar Via Order Dated: 30-03-2017		
					24-11-2001 Assistant (BPS-11), PHC, Peshawar	07-03-2017 Assistant Registrar # (Confidential) (BPS-19), PHC, Peshawar	13-10-2017 Downgraded to (BPS-18) for a period of Two (02) Years via Order dated: 13-10-2017	12-05-2022	
					20-03-2008 Reader (BPS-17), PHC, Peshawar				
					10-04-2008 Reader/ Superintendent (BPS-18), PHC, Peshawar		14-10-2019 Deputy Registrar # (Accounts) (BPS-19), PHC, Peshawar		

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ATTESTED

Errors/ Omissions are accepted after Verification

[Signature]

Draft Seniority List "Prepared from Personal Files and Service Books" as on 14-07-20

**Seniority List (Tentative) of the Ministerial Establishment of Peshawar High Court, Peshawar
For the Year 2020**

S.No.	Name of Officer/Official alongwith BPS	Qualification	Designation	Date of Birth	Date of 1st Entry in Government Service	Date of Appointment/ Promotions/ Adjustment/ Reversion in the Peshawar High Court Peshawar	Date of Promotion/ Reversion/ Upgradation on the Present Post/ Grade	Date of attaining the age of 60 years date of Retirement	REMARKS
1	2	3	4	5	6	7	8	9	10

2	Mr. Hazir Hussain. (BPS-18)	Matric	Assistant Registrar/ Reader	27-02-1962	17-12-1980	17-12-1980 Jr. Clerk (BPS-05), PHC, Peshawar. 29-12-1994 Sr. Clerk (BPS-07), PHC, Peshawar 05-10-2004 Assistant (BPS-11), PHC, Peshawar	16-10-2009 Reader (BPS-18), PHC, Peshawar Upgraded to BPS-19 w.e. f. 23-02-2020 on completion of 10 Years Service in (BPS-18) vide Order Dated: 04-03-2020	27-02-2022	
3	Mr. Muhammad Feroz Khan (BPS-19)	F.A	Assistant Registrar (General)	07-01-1964	17-12-1980	17-12-1980 Jr. Clerk (BPS-05), PHC, Peshawar. 21-09-1996 Sr. Clerk (BPS-07), PHC, Peshawar 05-10-2004 Assistant (BPS-11), PHC, Peshawar	07-03-2017 Assistant Registrar (General) (BPS-18), PHC, Peshawar Upgraded to BPS-19 w.e. f. 23-02-2020 on completion of 10 Years Service in (BPS-18) vide Order Dated: 04-03-2020	07-01-2024	

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[Handwritten Signature]
ATTESTED

[Handwritten Signature]

Errors/ Omissions are accepted after Verification

[Handwritten Signature]

Draft Seniority List "Prepared from Personal Files and Service Books" as on 14-07-20

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OFFICE OF THE DISTRICT & SESSIONS JUDGE, LAKKIMARWAT.

No. 2759/D&SJ/B&A/L.M

Dated 23 / 11 / 2020

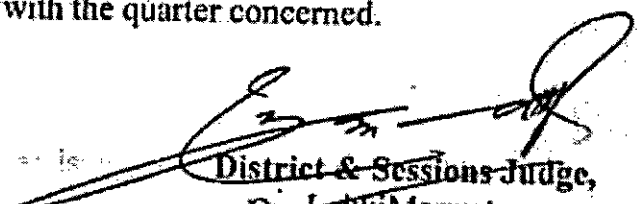
RETIREMENT ORDER ON MEDICAL GROUNDS:

In response to this office letter bearing No. 2304/DSJ and bearing Endst: No.2305-06/DSJ dated 12-10-2020, the medical examination report dated 28/10/2020 of the Standing Medical Board, constituted by the Medical Superintendent, Police/Service Hospital, Peshawar on the directions issued by the Additional Director General (Administration) Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar, held in the office of the Medical Superintendent, Police/Service Hospital, Peshawar Mr. Mir Abbas S/o Nizam Khan, Assistant (BPS-16) of this establishment has been declared as medically unfit for further active services in the government department due to suffering from chronic active hepatitis "C", backache pain referring to lower limbs and diffuse disc bulge causing lateral recess canal stenosis at multiple levels and it has suggested the said official to be boarded out on medical grounds.

In light of the above mentioned medical examination report, Mr. Mir Abbas S/o Nizam Khan, Assistant (BPS-16) of this establishment stands retired from his service on medical grounds w.e.f. 28/10/2020.

He shall be entitled to leave encashment and all other pensionary benefits subject to entitlement.

Accountant of this establishment is directed to make necessary entry in his service book to this effect and prepare all pensionary benefits cases of the above named official subject to entitlement and process the same with the quarter concerned.

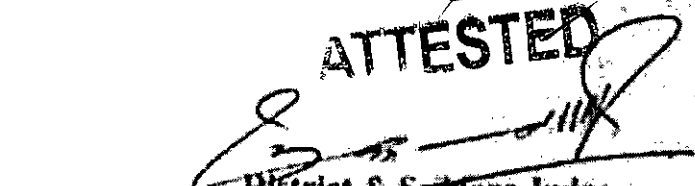

District & Sessions Judge,
LakkiMarwat.

Endst: No. 2760-62 /D&S./B&A/L.M

Dated Lakki, the 23 / 11 / 2020.

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar for information, please.
2. The District Accounts Officer, LakkiMarwat for information and necessary action.
3. Official concerned.

ATTESTED

District & Sessions Judge,
LakkiMarwat.

45

PESHAWAR HIGH COURT, PESHAWAR

ORDER

Dated Peshawar the 29th December, 2020

The Competent Authority has been pleased to withdraw the transfer/posting order of Mr. Tariq Saleem, Assistant/Reader from Anti-Terrorism Court, Bannu to Sessions Court, Lakki Marwat bearing Endst: No.4392-4396/Admn: dated 21.04.2003. He is transferred back to his original establishment i.e. Anti-Terrorism Court, Bannu, in the public interest, with immediate effect.

By order of Hon'ble the Chief Justice


(KHAWAJA WAJIH-UD-DIN)
REGISTRAR


Endst: No. 296-301 /Admn:

Dated Pesh the 08/01/2021

Copy forwarded to: -

1. The Member Inspection Team, Peshawar High Court, Peshawar.
2. The Director (HR&W) SDJ, Peshawar High Court, Peshawar.
3. The Judge, Anti-Terrorism Court, Bannu.
4. The District & Sessions Judge, Lakki Marwat.
5. The District Accounts Officers, Bannu & Lakki Marwat.
6. The SCS to Hon'ble Chief Justice, Peshawar High Court, Peshawar.
7. The official concerned by name.

(KHAWAJA WAJIH-UD-DIN)
REGISTRAR

Seen

District & Sessions Judge,
Lakki Marwat
19/01/2021


ATTESTED



48

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat

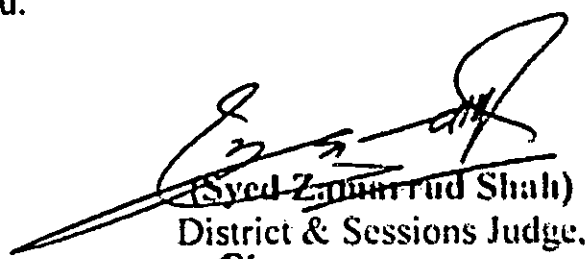
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@yahoo.com

No. 234 /DSJM

Dated: 20/01/2021

OFFICE ORDER

In pursuance to the order issued by the Hon'ble Peshawar High Court, Peshawar vide bearing endst: No.296-301, dated 08-01-2021, Mr.Tariq Saleem, Assistant (BPS-16) is hereby relieved from his duties today i.e 20th January, 2021 (Afternoon) enabling him to join his assignment as Assistant/Reader (BPS-16) in his original establishment i.e Anti Terrorism Court, Bannu.


(Syed Zamarrud Shah)
District & Sessions Judge,
Lakki Marwat.

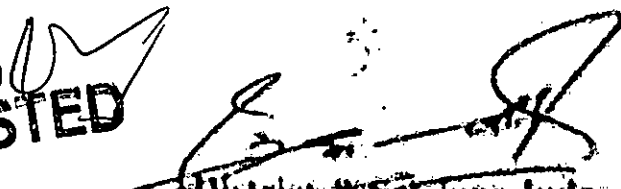
Endst. No. 235-4a/D&SJ/M




Dated Lakki the 20/01/2021.

Copy forwarded to:


1. The Registrar, Peshawar High Court, Peshawar with reference to the order as mentioned above for information, please.
2. The Member Inspection Team, Peshawar High Court, Peshawar for information, please.
3. The Judge-Anti Terrorism Court, Bannu for information.
4. The District Accounts Officer, Lakki Marwat for information and further necessary action.
5. The District Accounts Officer, Bannu for information and further necessary action.
6. Mr.Tariq Saleem, Assistant/Reader (BPS-16) for information and compliance.


ATTESTED


District & Sessions Judge,
Lakki Marwat.

قیمت 50 روپے	100386	  
ایڈویکٹ: ظالم شاہ مہرورت		
بار کونسل / ایسوسی ایشن نمبر: 2328-09-05		
رابطہ نمبر: 0313-9851385		پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: **حجرت حسین روس ٹریبونل، پشاور**

مخانب: APPELLANT	دعویٰ: مس روس اپیل
SAMI ULLAH KHAN	علت نمبر:
 DIST. SESSIONS JUDGE LAKKI MARWAT ETC	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

سمیع اللہ خان
 سینٹرل ڈسٹرکٹ جج
 پشاور

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ **ظالم شاہ مہرورت** کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز ذیل صاحب کو راضی نامہ کر کے نوٹیفکیشن و فیصلہ برحلف دینے جو اپیل دعویٰ اقبال اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری سیکٹرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل کی زانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ بلائے ججائے لفرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سناختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند ہے

المقام: **پشاور**
 المرقوم: **033-10512021**
 الب: **bc-20-3134**

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Attested & Accepted

(Counsel)

SB

SB

**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR**

CM No. _____/2021

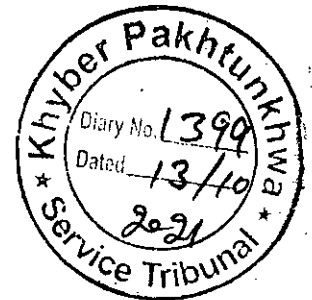
In

Service Appeal No. 7508 2021

Sami Ullah Khan Senior Clerk.....(Appellant)

Versus

District & Sessions Judge, Lakki Marwat etc.....(Respondents)



*Put up to the worthy chairman
with relevant app-ty*

APPLICATION FOR EARLY HEARING

14/10/21
Respectfully Sheweth:

Ready

1. That the above titled service Appeal is pending adjudication before this Hon'ble Court which is fixed for 06/12/2021.
2. That the appellant has submitted application for interim relief by restraining the respondent from filling of vacant posts of Assistant (BPS-16) which are lying vacant.
3. That the respondents are going to fill the vacant posts which will create hurdles and there will be irreparable loss to the appellant.

*Allowed
on 14 November*

18/11/2021

18/11

4. That it shall be in the interest of justice to accelerate the date in the tilted Appeal and fix it as soon as possible.


It is, therefore, most humbly prayed on acceptance of this application, the above title Appeal No. /2021 may kindly be fixed as earlier as possible.

Petitioner/Appellant

Through

Through

Dated: /10/2021


Zahir Shah Marwat
Advocates, High Court
Peshawar

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR

CM No. _____/2021

In

Service Appeal No. 7508 2021

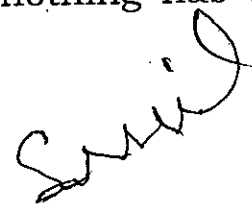
Sami Ullah Khan Senior Clerk.....(Appellant)

Versus

District & Sessions Judge, Lakki Marwat etc.....(Respondents)

AFFIDAVIT

I, Sami Ullah Khan Senior Clerk, District Courts Lakki Marwat, do hereby affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

**BEFORE THE HON'BLE CHAIRMAN SERVICE
TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

**Service Appeal No. 7508 of 2021,
Next date of hearing is 06-01-2022.**

Samiullah Khan

(Appellant)

VERSUS

District & Sessions Judge, Lakki Marwat and two others

(Respondents)

PARA WISE REPLY OF RESPONDENT NO. 03


Respectfully Sheweth:

The Para wise reply of respondent No. 3 namely
Said Ahmad Assistant (BPS-16) ~~is~~ as under please:

1. Para No. 01 is correct.
2. Para No. 02 is correct to the extent that the appellant was at Serial No. 01 in the Seniority list, however he was not considered for promotion by the competent authority due to lack of the required qualification i.e Bachelor Degree for the post of Assistant.
3. Para No. 03 is correct.
4. Para No. 04 is correct.
5. Para No. 05 relates to appellant.


PARA WISE REPLY ON GROUNDS.

- A. It is incorrect. As the appellant was not promoted due to lake of required qualification i.e Bachelor Degree for the post of Assistant by the competent


06.01.2022

authority i.e respondent No. 1 ~~in~~ the meeting of Departmental Promotion Committee which was held on 19-12-2019.


- B.** It is incorrect. As per Peshawar High Court, Peshawar, in Judicial Esta Code (Subordinate Court Staff) recruitments rules 2003, the promotion to the post of Assistant (BPS-16) should be made on the basis of seniority-cum-fitness, therefore, the appellant was not considered being not fit due to lake of required qualification i.e Bachelor Degree for the post of Assistant by the competent authority i.e respondent No.01 in the meeting of Departmental Promotion Committee.
- C.** It is incorrect. The competent authority i.e respondent No. 1 has followed the relevant rules / policies.
- D.** It is incorrect. The relevant rules were strictly followed in the meeting of Departmental Promotion Committee as per enumerated in the Judicial Esta Code Peshawar High Court, Peshawar (Sub-ordinate Court Staff) Recruitments Rules 2003.
- E.** It is incorrect. Reply has already been submitted in the last Para "A" to "D" just to avoid the repetition please.
- F.** It is incorrect.
- G.** It does not relate to respondent No. 03 but it is pertinent to submit that the department appeal of the appellant has already been dismissed by the Senior Puisne judge of the Hon'ble Peshawar High Court, Peshawar / respondent No. 02 due to less of requirement qualification for the post of Assistant.
- H.** It is also does not relate to respondent No. 03, hence needs no reply please.


06.01.2022

It is, therefore, humbly requested that the appeal of the appellant may kindly be dismissed.

Para wise reply is submitted for appropriate order please.

Dated: 06-01-2022


(Said Ahmad)
Assistant (BPS-16)
District Courts Lakki Marwat.
(Respondent No-3)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 462 -p/2022

In case No. 7508 -p/2021

Sami ullah khattak vs DSI Lakki Marwat

Presented by Zahir Shah Marwat on behalf of appellant. Entered in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	<u>15-03-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Service Tribunal is defunct</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>NFA</u>
Available dates Readers/Assistant Registrar branch	<u>NFA</u>

mm
18/4/22
Assistant Registrar

REGISTRAR

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR

CM No. _____/2022

In

Service Appeal No. 7508 2021

Sami Ullah Khan Senior Clerk.....(Appellant)

Versus

District & Sessions Judge, Lakki Marwat etc.....(Respondents)



*Put up to the Monthly Chair-man
with relevant appeal.*

APPLICATION FOR EARLY HEARING

31/3/2022.

Respectfully Sheweth:

Review.

1. That the above titled service Appeal is pending adjudication before this Hon'ble Court which is fixed for 28/04/2022.
2. That the appellant has filed the instant appeal for the promotion to the post of Assistant (BPS-16) which are lying vacant.
3. That the respondents are going to fill the vacant posts which will create hurdles and there will be irreparable loss to the appellant.

4.

That it shall be in the interest of justice to accelerate the date in the tilted Appeal and fix it as soon as possible.

It is, therefore, most humbly prayed on acceptance of this application, the above title Appeal No. 7508/2021 may kindly be fixed as earlier as possible.




Petitioner/Appellant

Through

Through

Dated: /03/2022



Zahir Shah Marwat
Advocates, High Court
Peshawar

21/02/22

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat

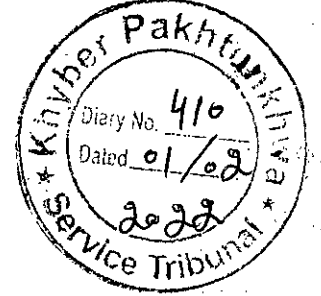
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@yahoo.com

No 319 /DSJ/L.M

Dated: 29 /01/2022

To

✓ **The Registrar,**
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.



Subject: **SERVICE APPEAL NO.7508 of 2021.**

“Sami Ullah...Vs... District & Sessions Judge,Lakki Marwat & others”

Sir,

With reference to the Hon'ble Peshawar High Court, Peshawar letter bearing No.1177/Admn dated 26-01-2022 on the subject noted above, I have the honour to submit the requisite para-wise comments duly signed by the two respondents in the subject service appeal and request for onward submission to the concerned Bench of Hon'ble Tribunal, the next date for hearing in the subject service appeal is already fixed for 21-02-2022.

Yours Faithfully

gumar
(IJAZ RASHID)

District & Sessions Judge,
Lakki Marwat.
(Respondent No.01)

Endst: No. — /DSJ/L.M

Dated Lakki the — /01/2022.

Copy forwarded to the Registrar, Hon'ble Peshawar High Court, Peshawar/
Respondent No. 02, for information, please.

sd
District & Sessions Judge,
Lakki Marwat.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7508/2021

Sami Ullahappellant

Versus

The District & Sessions Judge, Lakki Marwat & others.... Respondents

INDEX

S:#	Description of Documents	Date	Annexure	Pages
1.	Reply with Affidavit			1-3
2.	Peshawar High Court (Subordinate Court Staff) Recruitment Rules, 2003		Reply-1	4-6
3.	Judgment in Writ Petition 1127-D/2017	25.01.2021	Reply-2	7-13

Respondents No. 1 & 2.

Dated: 29 /01/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
Service Appeal No. 7508/2021

Sami Ullahappellant

Versus

The District & Sessions Judge, Lakki Marwat & others.... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth

Preliminary Objections:

- I. That Section-9(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 contemplates that Civil Servant has the right to be considered for promotion if eligible on account of possessing the prescribe minimum qualification, however, Civil Servant having no vested right to be promoted to the next higher grade. As per Peshawar High Court (Subordinate Court Staff) Recruitment Rules, 2003 **(Reply/1)** prescribed qualification for the post of Assistant (BPS-16) is Bachelor's Degree from a Recognized University, thus, Petitioner having no such qualification was rightly not promoted against the subject post by the Departmental Promotion Committee.
- II. That Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 provides that any civil servant who is aggrieved with respect to the terms and conditions of the service has right to file an appeal before Provincial Service Tribunal within prescribed period. Moreover, Section-22(2) of the Civil Servant Act, 1973 states; **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 grade or post.**
- III. That it is Departmental Promotions Committee having exclusive domain to evaluate the seniority-cum-fitness of a civil servant for promotion to next higher grade. As petitioner does not possess the prescribed qualification for the subject post, therefore, was rightly not promoted. It is further to clarify that seniority alone is not sufficient for promotion. Reference is made to the judgment of the Hon'ble Peshawar High Court dated 25.01.2021 passed in Writ petition No.1127-D/2017 **(Reply/2)**.

gusmat

- IV. That the appellant has suppressed certain important facts, therefore, he is not entitled to any relief.
- V. That the appellant is estopped by his own conduct to file the instant appeal.
- VI. That the appeal is not based on facts, therefore, is devoid of merits and is liable to be dismissed.

FACTS:

1-3. Regarding Para No. 1-3 of the service appeal it is submitted that appellant underwent to the prescribed procedure for promotion to the post of Assistant (BPS-16) for which the prescribed qualification is Bachelor's Degree from a recognized University while petitioner having no such qualification, therefore, was found by the departmental promotion committee as not eligible.

4&5. Need no reply as already advanced in the preceding paras.

GROUND:-

A-C. Not admitted as submitted. Appellant was dealt with in accordance with law and rules and no infringement of his vested rights was made by the Respondents whereas appellant is supposed to prove any violation of his fundamental right because he is lacking the prescribed qualification.

D-H. Incorrect hence not admitted. The detail reply has already been given in the preceding paras.

It is, therefore, respectfully prayed that on acceptance of these Parawise Reply, the appeal may graciously be dismissed.

Respondent No. 1.

gamael
District & Sessions Judge,
Lakki Marwat.

Respondent No. 2.

[Signature]
Registrar,
Peshawar High Court, Peshawar

Dated: 29 .01.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
Service Appeal No. 7508/2021

Sami Ullahappellant

Versus

The District & Sessions Judge, Lakki Marwat & others.... Respondents

AFFIDAVIT

I, Taj Muhammad, Accountant (BPS-16) District & Sessions Judge, Lakki Marwat

do hereby affirm and declare on oath that the contents of these Reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.


Deponent

C.No. 4(3-1)

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

NOTIFICATION

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the [Khyber Pakhtunkhwa]¹ Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the [Khyber Pakhtunkhwa]² specified in column # 2 of the said Appendix.

APPENDIX

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

1	2	3	4	5
S No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
1	Superintendent BPS-17 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-16) ⁴ with at least five years' service as such:

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

III-Human Resources

I-Ministerial Establishment of District Courts

		<p>ii. a speed of ¹[50] words per minute in shorthand and 35 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office.</p> <p>iii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.</p>		
4	Assistant/Reader. BPS-16 ²	Bachelor's Degree from a recognized University.	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14)³ with at least three years service as such.</p>
5	Assistant/Clerk Of Court BPS-16 ⁴	Bachelor's Degree from a recognized University.	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii: seventy five percent by promotion, on the basis of</p>

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

² Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

III-Human Resources

I-Ministerial Establishment of District Courts

				seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14) with at least three years service as such.
6	Assistant/Assistant Clerk of Court BPS-16 ¹	Bachelor's Degree from a recognized University.	18 – 30 years	i. Twenty five percent by initial recruitment; and. ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14) with at least three years service as such.
7	Assistant/Accountant BPS-16 ²	Bachelor's degree from a recognized University. Preference will be given to Bachelor's degree with Commerce, Economics or Mathematics/Statistics as Special subject.	18 – 30 years	By initial recruitment.
8	Assistant/Civil Nazir BPS-16 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Junior Clerk/Naib Nazir (BPS-11 ⁴), capable of keeping and examining accounts in English and Urdu, with five years service as such.

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

² Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

³ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Finance department Rectification No.BO-II/FD/SNE/PHC/2020-21 Dated 07th July 2020

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)

W.P No. 1127-D/2017

Farman Ullah
Vs
Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar and 04 others

For petitioner Muhammad Sajid Awan, Advocate
For respondents Mr. Kamran Hayat Miankhel Addl.
 Advocate General
 Mr. Umar Farooq Bhattani, Advocate
Date of hearing 25.01.2021

JUDGMENT

Sahibzada Asadullah, J.- Through this single judgment, we intend to decide the following cases, having identical facts and law points involved therein.

1. W.P No. 1127-D/2017
[Farmanullah
Vs
Govt. of Khyber Pakhtunkhwa and others]
2. W.P No. 702-D/2017
[Sharifullah
Vs
Govt. of Khyber Pakhtunkhwa and others]

2. By virtue of these petitions filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, it is averred that the petitioners seek the directions to award promotion to the petitioners on the post of Junior Clerk in preference to Mr. Amir

Muhammad son of Yar Muhammad/respondent No. 5 and thereby by restoring the seniority of the petitioners, the promotion of respondent No. 5 may be recalled. They have further prayed that the petitioners have been deprived of promotion on the basis of fitness, therefore, the fitness criteria, as determined by official respondents is highly unjust, illegal and the policy in vogue of the Provincial Government, hence, this constitutional petition.

3. On direction of Court order, the comments were called from the respondents, which were submitted accordingly, wherein they submitted that the competent authority/Department had fulfilled all the codal formalities according to Rules and policy in vogue in the process of promotion for the post of Junior Clerk.

4. Heard. Record perused.

5. In this case facts admitted on the record reveal that there are 33% share of class-IV employees for the purpose of promotion to the post of Junior Clerk as per the recruitment policy of the provincial government. In every provincial department, the posts of Junior clerk are to be filled through 67% direct recruitment on the basis of open merits, whereas 33% posts are to be filled by way of promotion from amongst the holders of the posts of Naib Qasid, Chowkidar, etc on the basis of Seniority-cum-fitness. For the purpose of such promotion to the post of Junior Clerk, the Naib Qasid, Chowkidar etc must possess Matric Qualifications. Record further suggestive that total number of four posts of Junior Clerk were laying vacant in the office of District Education Officer

(Female), Education Department, Tank and out of said posts 33% quota was reserved for the class-IV who possess minimum matric qualification. To this effect, the respondent No.4 issued an advertisement wherein applications have been invited from the class-IV for promotion against 33% quota to the post of Junior Clerk. The petitioners having higher education as well as seniority applied for the post of Junior Clerk on the basis of 33% share of Class-IV, ultimately, the petitioners were dropped from promotion to the post of Junior Clerk and respondent No. 5 was promoted on the basis of fitness.

6. The moot issue which requires consideration and determination before this Court is that whether the fitness criteria, as determined by the official respondents with regard to promotion for the post of Junior Clerk is highly unjust and against the policy in vogue of the Provincial Government?. Before answering to this question, it will be essential to highlight that '*Eligibility for promotion*' and '*determination of fitness*' are two different criteria. Eligibility primarily relates to the terms and conditions of service and their applicability to the civil servants whereas question of fitness is a subjective evaluation on the basis of objective criteria. Section 9(1) of the Civil Servants Act 1973 provides that civil servant has a right to be considered for promotion if eligible on account of possessing the prescribed minimum qualification etc. A civil servant however has no vested right to be promoted. Section 4 of the Service Tribunals Act 1973 contemplates that any civil servant who is aggrieved with respect to the terms and

condition of the service has right to file appeal before appropriate tribunal established for such purposes within prescribed period. On the other hand in the matters relating to determination of fitness of a civil servant to be promoted to a higher post, the law does not provide any remedy of appeal or representation in view of section 22 of the Act of 1973. Petitioners in this case therefore have no right to appeal or representation against the impugned recommendations of Department/respondents for promotion of the post of Junior Clerk. In view of the specific bar contained in clause (b) of proviso to section 4(1) of Service Tribunals Act 1973 the petitioners lacking adequate efficacious remedy therefore has a right to seek the constitutional remedy. This petition therefore is not violative to the mandate of Article 199 and 212 of the Constitution of Islamic Republic of Pakistan 1973. Reliance be made upon *Miss Zubaida Khatoon Vs. Mrs. Tehmina Sajid Sheikh and others (2011 PLC (C.S.) 596) (Supreme Court of Pakistan)*.

7. In legal sphere, seniority-cum-fitness means that *due and equal regard should be paid both to seniority and to fitness, and, since fitness is a matter of degree, it would appear that a senior person can be overlooked in favour of a junior who is demonstrably more fit for the appointment that he is*. Thus, the provision for promotion on the basis of seniority-cum-fitness permits the respondents/Department to select a junior, who is demonstrably more fit than the senior. In other words, the rule of comparative assessment was applied. The principle of seniority-cum-merit or seniority-cum-fitness visualises

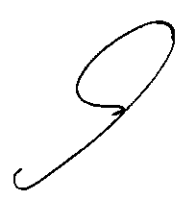
only rejection of the unfit. There is certainly difference where the promotion is based on the pure seniority and promotion based on seniority-cum-fitness. Likewise, in cases of promotion based on seniority cum-fitness apart from pure seniority, the person's fitness, to hold the post to which he may be promoted, his physical fitness, *his acquirement of qualifications prescribed for the promoted post* or such other positive factors from which it would be obvious that he is unfit for promotion would have to be taken into account.

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8. Shorn-of unnecessary detailed to the merits of the case, it is beneficial to refer the method of recruitment, qualifications and other conditions specified in column 3 to 5 which shall be applicable to pots of Junior Clerk in the Khyber Pakhtunkhwa Civil Secretariat as infra:

Junior Clerk	(i) Matriculation with second division or equivalent qualification from a recognized Board and (ii) A speed of 30 words per minute in typing.	18 to 30 years	a) Thirty-three percent by promotion on the basis of seniority-cum-fitness, from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with two years' service as such, who have passed SSC examination; and b) Sixty-seven percent by initial requirement.
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From the bird's eye view of above tabulated criteria for the post of Junior Clerk, it is visible that minimum qualification for appointment or promotion to the post of Junior Clerk, a speed of 30 words per minute in typing is essential and sine qua non. Admittedly the petitioners have desperately failed in the typing test which is necessary requirement for promotion as Junior Clerk, therefore, the petitioners are not eligible according to the Rules and policy as they have failed in typing test.




9. Plea of malice or discrimination raised by the petitioners qua their deferment is not substantiated through any speck of material. We do not find any jurisdictional error, legal infirmity or material irregularity in the impugned recommendations made by the Departmental Promotion Committee, therefore, the same do not call for any interference by this Court in exercise of constitutional jurisdiction.

10. Adherence to the statutory rules and procedures for selection of public jobs is the only surest method to objectively select the best out of the best from a competing lot; it is rooted into the fundamentals of equal opportunity, equal treatment and equal protections; any deviation therefrom would rock the bottom of the Republic, resting upon equiponderance. State authority in every sphere of life is a sacred trust to be exercised fairly and justly by the functionaries to accomplish the purposes assigned to them by law; it is their bounden duty to do right to the all manner of people, without any distinction. On the basis of said analogy, the respondents/Department have rightly denied the petitioners from

the promotion being failed candidates in typing test which is sine qua non for the post of Junior Clerk.

11. Even otherwise, there is no vested right accrued to the petitioners in case of promotion. Promotion against the non-selection post shall be made on the basis of seniority-cum-fitness and a civil servant cannot claim or ask for a promotion as a matter of right, as it is within the exclusive domain of the competent authority or departmental selection committee. Neither the promotion can take place automatically, nor the seniority alone is the deciding factor, as number of factors constitute fitness for promotion. Thus, the fitness criteria, as determined by the respondents/Department is just and in accordance with Policy in vogue by the provincial government and depriving the petitioners from award of promotion to the post of Junior Clerk on the basis of fitness is on compact ground, needs no interference to invoke the constitutional jurisdiction of this Court.

12. For the reasons *supra*, the instant writ petition as well as connected W.P No. 702-D/2017 are dismissed accordingly.

Announced
January 25, 2021




JUDGE



JUDGE

(D.B)

Hon'ble Mr. Justice Abdul Shakoor
Hon'ble Mr. Justice Sahibzada Asadullah

