BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

Service Appeal No. 5200/2021

BEFORE: MRS. ROZINA REHMAN MEMBER(J) MISS FAREEHA PAUL MEMBER(E)

Tariq Saleem, Assistant Anti Terrorism Court, Bannu.

.... (Appellant)

Versus

1. The Registrar, Peshawar High Court, Peshawar.

2. The Special Judge, Anti Terrorism Court, Bannu.

3. The District & Sessions Judge, Lakki Marwat.

(Respondents)

- Mr. Shahid Saleem Mina Khel,

Advocate

For appellant

Mr. Kabirullah Khattak. Addl. Advocate General

For respondents

Date of Hearing......25.11.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the office order dated 08.01.2021 whereby the appellant was transferred back from District Courts, Lakki Marwat to Anti Terrorism

Court, Bannu and against appellate order dated 21.05.2021 whereby his departmental appeal/representation was rejected.

Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Assistant/Reader (BPS-11) on 09.04.2003 in Anti Terrorism Court, Bannu. After getting appointment there, the appellant to the Registrar, Peshawar High Court i.e. submitted an application respondent No. 1 to the effect that he had blood feud/enmity in his village for which he could not travel from Lakki Marwat to Bannu and hence requested for transfer and permanent adjustment/absorption in the District Courts, Lakki Marwat against a newly created post of Assistant there. Respondent No. 1 accepted the application of the appellant and vide order dated 21.04.2003, he was transferred by the Peshawar High Court from Anti Terrorism Court Bannu to District Courts, Lakki Marwat and posted as Assistant/Reader (BPS-11) against the newly created post of Assistant in District Courts, Lakki Marwat. In view of the aforesaid order, the appellant was permanently absorbed in District Courts Lakki Marwat in the year 2003. He submitted his arrival report which was duly accepted by the District & Sessions Judge, Lakki Marwat (respondent No. 3) vide office order date 02.05.2003 and permanently adjusted as Assistant on a vacant post by office order dated 05.07.2003. The appellant started receiving monthly salary from District Court Lakki Marwat and his seniority was also maintained there since 2003 till 2020. At the same time the Anti Terrorism Court Bannu stopped maintaining the seniority of the appellant and an employee namely

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Umer Ayaz, who was Assistant and junior to the appellant at that time, was promoted to the post of Superintendent in ATC Bannu in the year 2013, meaning thereby that the appellant was no more employee of ATC Bannu nor his seniority was maintained there. After rendering 17 long years in District Courts, Lakki Marwat and being permanently absorbed there, respondent No. 1 issued the impugned order dated 08.01.2021 vide which he cancelled his own order dated 21.04.2003 and transferred back the appellant to ATC Bannu. Prior to passing the order dated 08.01.2021, respondent No. 1 called comments from respondent No. 3 regarding the promotion of Assistant to the post of Superintendent as per seniority list maintained in the District Courts, Lakki Marwat. Respondent No. 3 in his detailed reply admitted the fact that the appellant was on the top of seniority list of Assistants maintained since his transfer in 2003 in District Courts, Lakki Marwat. Feeling aggrieved against the order dated 08.01.2021, the appellant preferred departmental representation to competent authority through proper channel but the same was not disposed off within the statutory period; hence the instant service appeal. During pendency of the service appeal, departmental appeal/representation was rejected on 21.05.2021.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.

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- 4. Learned counsel for the appellant presented the details of the case and contended that once the Hon'ble Peshawar High Court transferred the appellant in 2003 from Anti Terrorism Court, Bannu to District Courts Lakki Marwat and permanently adjusted/absorbed him there against the newly created post of Assistant, it was estopped by its own conduct while issuing the impugned order dated 8.01.2021 and the impugned appellate order dated 21.05.2021. He further contended that had the post of Assistant not being vacant in District Courts Lakki, the appellant could not have been transferred from Anti Terrorism Court, Bannu to District Courts, Lakki Marwat. Similarly, respondent No. 2 had also given no objection to the application moved by the appellant to Honourable Peshawar High Court for transfer and permanent adjustment from Anti Terrorism Court, Bannu to District Courts, Lakki Marwat. He further argued that the appellant was the senior most Assistant in District Courts, Lakki Marwat and was entitled and due for promotion as Superintendent in the upcoming DPC meeting but due to the impugned orders he had been deprived from that promotion and that it was infringement of his right as enshrined in Constitution of Islamic Republic of Pakistan.
- 5. The learned Additional Advocate General argued that the appellant was posted from ATC Bannu to District Courts Lakki Marwat on his own request and that he willingly chose to be posted out of his own cadre and therefore, relinquished his rights during the period of his ex-cadre posting He further argued that the order passed by respondent No. 1 in 2003 was

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totally silent regarding the permanent absorption of the appellant in District Courts, Lakki Marwat and that there was no bar on the competent authority to post him back to his original establishment.

Perusal of record transpires that the appellant was transferred, on his own request, from Anti Terrorism Court, Bannu to District Courts, Lakki Marwat by an order of the Honourable Chief Justice Peshawar High Court, issued by the Registrar of the court. After submitting his arrival report, the appellant was posted/adjusted as Assistant/Reader against a vacant post in the court of Additional District & Sessions Judge, Lakki Marwat. The District & Sessions Judge, Lakki Marwat started maintaining his seniority in his office since 2005 which is supported by all the seniority lists provided in the service appeal and further supported by the District & Sessions Judge, Lakki Marwat in his response to certain queries of the Registrar Peshawar High Court through his letter dated 30.07.2020 as well as reply of the respondents. The same response also clarified that posting of the appellant from Anti Terrorism Court, Bannu to District & Sessions Judge, Lakki Marwat was not on deputation, rather it was a transfer. To a query of the Registrar, Peshawar High Court whether the appellant can seek enlistment in the seniority list maintained for the officials of District & Sessions Judge, Lakki Marwat, the District & Sessions Judge, Lakki Marwat mentioned that the appellant had been transferred permanently on the post of Assistant in Lakki Marwat and as such he is rightly included in the common seniority list of Assistants maintained for officials of his office

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since 2005. He further goes to the extent of saying that two officials were promoted to the post of Superintendent by the Peshawar High Court from the same seniority list of Assistants in which name of the appellant was included. According to him the seniority list remained unchallenged for 15-16 years and it was in the year 2017 when the promotion for superintendent was due and the common seniority list was sent to the Hon'ble Peshawar High court in which one Mr. Amir Nasrullah, Ex-Superintendent was on top followed by Mr. Tariq Saleem at Sr. No. 2 (the appellant), where after the Hon'ble Peshawar High Court approved the common seniority list and issued promotion order of Mr. Amir Nasrullah in the year 2017.

7. The District & Sessions Judge, Lakki Marwat has given a complete picture indicating that the appellant is now an employee of the District & Sessions Judge, Lakki, being adjusted permanently in that office against an available vacancy back in 2003 and that his seniority is also being maintained there. The reply of the respondents also indicates that when the appellant was transferred to Lakki Marwat, he was no more an employee of respondent No. 2 i.e. Special Judge, Anti Terrorism Court, Bannu. Reply of the respondents further indicates that one Mr. Umer Ayaz Khan, being the senior most office Assistant in Anti Terrorism Court, Bannu was promoted by the competent authority, indicating that the name of appellant was no more in the seniority list maintained by that office. It is strange to note that despite getting detailed and exhaustive comments from respondent No. 3



(District & Sessions Judge, Lakki Marwat), respondent No. 1 issued the impugned order, without giving any heed to those comments.

- 8. As regards the question of transfer and absorption of the appellant is concerned, this bench is of the view that when the appellant was transferred to Lakki Marwt and the District & Sessions Judge started maintaining his seniority in that office, and no objection was raised at that time, it is construed that the appellant has been absorbed in the office of District & Sessions Judge, Lakki Marwat. The action of transfer of the appellant to ATC Bannu by the Registrar Peshawar High Court at a belated stage, when seventeen years had passed, is not maintainable.
- 9. In view of the details given above, service appeal in hand is allowed as prayed for. Parties are left to bear their own costs. Consign.
- 10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 25th day of November, 2022.

(ROZINA REHMAN) Member (J)

(FAREEHA PAUL) Member (E)

Service Appeal No. 5200/2021

Mr. Shahid Saleem Mina Khel, Advocate for appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

- 02. Vide our detailed judgement containing 07 pages, service appeal in hand is allowed as prayed for. Parties are left to bear their own costs. Consign.
- 03. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 25th day of November, 2022.

(ROZINA REHMAN) Member (J)

(FAREEHA PAUL Member (E) 26.10.2022

Clerk of learned counsel for the appellant present. Mr. Taj
Muhammad, Accountant and Mr. Hameed Ullah, Superintendent
alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant
Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 07.11.2022.

(Mian Muhammad) Member (E) (Salah-ud-Din) Member (J)

07.11.2022

Appellant along with counsel present.

Muhammad Adeel Butt learned Additional Advocate General and Taj Muhammad Accountant for the respondents present.

Partial arguments heard. To come up for further arguments on 25.11.2022 before this D.B.

(Fareeha Paul) Member (E)

(Rozina Rehman) Member (J)

SCANNED KPST Peshawat 20.09.2022

Learned counsel for the appellant present. Muhammad Accountant and Mr. Mati-Ur-Rehman, alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 27.09.2022 before the D.B.

(Mian Muhammad) Member (E)

(Salah-Ud-Dîn) Member (J)

27.09.2022

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 03.10.2022 for hearing before D.B.

(Fareeha Paul) Member (E)

(Rozina Rehman) Member (J)

03.10,2022

Appellant' present in person. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Appellant submitted application for adjournment on the ground that his learned counsel is indisposed today. Last chance is given, failing which the case will be decided on available record without arguments. To come up for arguments on 26.10.2022 before D.B.

(Farecha Paul) Member (E)

(Kalim Arshad Khan) Chairman

06.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for rejoinder, if any, as well as arguments on 20.06.2022 before the D.B.

(Fareeha Paul) Member (E) (Salah-ud-Din) Member (J)

20th June, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant wants to prepare case. Adjourned, To come up for arguments on 25.07.2022 before the D.B.

(Fareeha Paul)
Member(E)

(Kalim Arshad Khan) Chairman

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on 20/9/20

13.09.2021

Appellant with counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. umar Ayaz Superintendent and Taj Muhammad Accountant for the respondents present.

Written reply/comments on behalf of respondents not submitted despite last chance, therefore, case to come up for arguments before the D.B on 08.10.2021. The respondents shall not finalize the proceedings of Departmental Selection Committee for the post of Superintendent in the District Courts Lakki Marwat till the date fixed.

(MIAN MUHAMMAD) MEMBER (EXECUTIVE) (ATYQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

18.10.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Addl; A.G for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 01.11.2021 before D.B. The respondents shall not finalize the proceedings of Departmental Selection Committee for the post of Superintendent in the District Courts Lakki Marwat till the date fixed.

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(Mian Muhammad) Member (E) Chairman

16.07.2021

Appellant alongwith his counsel Mr. Shahid Saleem, Advocate, present. Mr. Taj Muhammad, Accountant as representative on behalf of respondents No. 1 & 3 present and produced authority letter, which is placed on file. Mr. Umer Ayaz Khan, Superintendent as representative on behalf of respondent No. 2 present and submitted authority letter, which is placed on file.

Representatives of the respondents sought adjournment for submission of reply/comments. Adjourned. To come up for reply/comments and arguments before the D.B on 04.08.2021. The respondents shall not finalize the proceedings of Departmental Promotion Committee for the post of Superintendent in the District Courts Lakki Marwat till the date fixed.

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE) (SALAH-UD-DIN) MEMBER (JUDICIAL)

04.08.2021

Appellant with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith: Umar Ayaz Superintendent and Taj Muhammad Accountant for respondents present.

Written reply on behalf of respondents was not submitted. Representatives of the respondents requested for adjournment in order to submit reply/comments. Last chance is given for submission of reply within 15 days in office. To come up for arguments on 13.09.2021 before D.B. The respondents shall not finalize the proceedings of Departmental Selection Committee for the post of Superintendent in the District Courts Lakki Marwat till the date fixed.

(Atiq-Ur-Rehman Wazir)

Member (E)

(Rozina Rehman) Member (J)



Appellant with counsel present. Preliminary arguments heard. Record perused.

Counsel for appellant contends that appellant Tariq Saleem was appointed as Assistant/Reader in A.T.C, Bannu. He was transferred from A.T.C, Bannu on his written request and his services were placed at the disposal of District & Sessions Judge, Lakki Marwat for posting as Assistant/Reader against the newly created vacant post. He further submits that the services of appellant were placed at the disposal of Sessions Judge which will not be considered on deputation as transfer order of appellant finds no mention of the word "deputation". That maximum period of deputation is three years, whereas, the appellant has been performing his duties as Assistant in the District Courts for last about 18 years and is now at the top of seniority list for the year 2018/19. He submitted that the same seniority list was approved by the august Peshawar High Court, Peshawar, where-after, promotion order of one Amir Nasrullah was issued on 17.04.2017 and now being senior most Assistant in the District Courts, Lakki Marwat, appellant is entitled for promotion as Superintendent.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance.

The respondents shall not finalize the proceedings of Departmental Promotion Committee for the post of Superintendent in the District Courts Lakki Marwat in the meanwhile. To come up for arguments on ______ / 67___ /2021 before the D.B.

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(Rozina Rehman) Member (J)

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Form- A

FORM OF ORDER SHEET

Court of		
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Case No.- <u>/2021</u>

	Case No	/2021
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2 .	3
1-	19/05/2021	The appeal of Mr. Tariq Saleem presented today by Mr. Shahid Saleem Mina Khel Advocate may be entered in the Institution Register and
		put up to the Worthy Chairman for proper order please.
		REGISTRAR "
2-	27/05/21	This case is entrusted to S. Bench for preliminary hearing to be put up there on 63/06/2021
	4	CHAIRMAN
	03.06.2021,	Counsel for the appellant present.
		The undersigned as the Legal Draftsman, Peshawar High
-	:	Court, had dealt with the case to the extent of my wing
	; ;	under direction of Respondent No. 1. Therefore, I rescue
	Early hearing	myself from hearing of this appeal. Office is directed to fix this appeal for preliminary hearing before the Bench
	application is accepted and freed for 25/06/2021	comprising of the Member, as and when constituted with
	Consol Cox	notice to the appellant in due course of time.
	25/06/2021	
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5200 / 2021

Tariq Saleem, Assistant, Anti Terrorism Court, Bannu

Versus

The Registrar, Peshawar High Court, Peshawar and others

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Through

Shahid Saleem Mina Khel Advocate High Court

Appellant

Date 04 1 01 /2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5200 / 2021

Assist	Saleem, tant, errorism Court, Bannu		Appellant
		Versus	·
1.	The Registrar, Peshawar High Court, Peshawar		
2.	The Special Judge Anti Terrorism Court, Bannu		
3.	The District and Sessions Judge,		5

AMENDED APPEAL AS PER DIRECTION OF THIS HON ABLE TRIBUNAL VIDE ORDER DATED 13.12.2021

SERVICE APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTUN KHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER ENDST: NO. 296-301/ADMN DATED 08.01.2021 AND IMPUGNED APPELLATE ORDER NO. 7311 / ADMN DATED 21.05.2021 WHERE BY THE APPELLANT HAS BEEN TRANSFERRED BACK FROM DISTRICT COURT LAKKI MARWAT TO ANTI TERRORISM COURT BANNU AGAINST WHICH APPELLANT PREFFERED DEPARTMENTAL REPRESENTATION ON 27.01.2021 BUT THE SAME WAS NOT DISPOSED OFF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned Office Order Endst No. 296-301/admn dated 08.01.2021 and impugned appellate Order No. 7311/Admn dated 21.05.2021 may graciously be set aside being illegal, unlawful, against the rules, regulations and against the rights of the appellant and appellant may kindly be given his due rights in the District Court Lakki Marwat.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant is the permanent resident of District Lakki Marwat.

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That appellant was appointed as Assistant / Reader (BPS-11) vide order No. 22/ATC Bannu, Ends: **No.**23*28/ATC **dated 09.04.2003 (Annex:-A) in Anti Terrorism Court Bannu in pursuance of advertisement.

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That after appointment of appellant in ATC Bannu, the appellant wrote application to the Registrar Peshawar, High, Court, Peshawar, Li.e., respondent No. 1 to the effect that appellant has blood fuedenmity in his village for which he could not travel daily from District Lakki Marwat to District Bannu, therefore, appellant may be transferred and permanently adjusted \ absorbed in the District Court Lakki Marwat against newly created vacant post of Assistant in District Court Lakki and accordingly vide order dated 21.04.2003 (Annex:-B-1), appellant was transferred by Peshawar High Court, Peshawar vide Ends: No. 4392-4396/Admin dated 21.04.2003 from ATC Bannu to District Court Lakki Marwat and posted as District Court Lakki Marwat. The aforesaid order was made by the respondent No. District Court Lakki Marwat in the year 2003. Copies of transfer order dated 21.04.2003, application of appellant and No Objection remarks of respondent No. Os are attached as appellant and No Objection remarks of respondent No. Os are attached as appellant and No Objection remarks of respondent No. Os are attached as

Annexure B-1 to B-2.

That in light of the afore-said transfer order, the appellant submitted his arrival report which is duly accepted by the respondent No.3 i.e District and Sessions Judge Lakki Marwat vide office order No. 236-38 dated 02.05.2003 (Annex:-C-1) and permanently adjusted as Assistant on vacant post of Assistant by Office Oder such appeilant was permanently absorbed in the District Court Lakki Marwat. As such appeilant was permanently absorbed in the District Court Lakki Marwat on vacant post of Assistant. Copies of officer order dated 05.07.2003 and office order dated 05.07.2003 are attached as Annexure C-1 to C-2.

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That as the post of Assistant was vacant and appellant was transferred from ATC Court Bannu to District Court Lakki Marwaton afore-saidvacant post, therefore, the appellant was receiving monthly salary from District Court Lakki Marwaton afore-Seniority (Seniority Lists Annex:-D) of the appellant is also maintained in the District Court Lakki Marwat since 2003 till 2020. All these facts clearly shows that the appellant was permanently absorbed in the District Court Lakki Marwat since 2003 till 2020. All these facts clearly shows that the appellant was permanently absorbed in the District Court Lakki Marwat and is no more employee of Anti Terrorism Court, Bannu.

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That at the same time, the ATC Bannu has not maintained the seniority position of appellant in ATC Bannu and the employee namely Umer Ayaz who was Assistant

in 2003 and Junior to the appellant at that time. In the year 2013 the aforesaid Umer Ayaz was given Promotion to the post of Superintendent in ATC Bannu. Meaning there by that appellant was no more employee of ATC Bannu nor his seniority position maintained there in ATC Bannu and the appellant was permanently absorbed in District Court Lakki Marwat. (Copy of appointment order of Umer Ayaz Assistant is already attached as *Annexure:-*A).

- 7. That after rending 17 long years in District Court Lakki Marwat, and being permanently absorbed in District Court Lakki Marwat, the respondent No.1 issued office order No: 296-301/Admin dated: 08-01-2021 (*Annex:-E*) vide which the respondent No. 1 cancelled its own order Ends: No: 21-04-2003 and appellant is transferred back to ATC Bannu.
- 8. That prior to passing impugned office order dated 08-01-2021, the Respondent No.1 called comments from the Respondent No.3 regarding the promotion of Assistants to the post of Superintendent as per seniority list maintained in the District Court Lakki Marwat. The Respondent No.3 in his detail reply (Annex:-F) admitted the fact that appellant is on top of the seniority list of Assistants as appellant's seniority is maintained since his transfer in 2003 in District Court Lakki Marwat and the appellant also drawn his salary on the post of Assistant from District Court Lakki Marwat since then.
- 9. That now as the appellant is on top of seniority list maintained for the Assistants since 2004 and is entitled for promotion to the post of Superintendent, now the appellant has been transferred back to ATC Bannu with malafide intention and with ulterior motives to deprive the appellant of his valuable rights in District Court Lakki Marwat.
- 10. That after issuing impugned order dated 08-01-2021 the appellant made Departmental representation to the competent Authority on 27.01.2021 through proper channel. (Copy of Departmental Representation dated 27.01.2021 along with registry receipt is attached as *Annex:-G*).
- 11. That feeling aggrieved of Office Order Ends No 296-301/ Admin dated 08.01.2021 and impugned Office Order No. 7311/ Admn dated 21.05.2021, the appellant called in question the same through departmental representation on 27.01.2021 but the same was not disposed off within the statutory period of 90 days, hence the instant appeal inter-alia on the following grounds. (Copy of Impugned Office Order No. 7311/Admn Dated Pesh the 21.05.2021 is attached as Annex:-H)

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12. That appellant, being aggrieved of the acts and actions of Respondents and having no other adequate and efficacious remedy, files this appeal inter-alia on the following grounds.

Grounds:

- a. That the respondents have not treated the appellant in accordance with law, rules and policy on subject and acted in violation of Article 04 of the Constitution Of Islamic Republic Of Pakistan, 1973, and unlawfully issued the impugned Office Order Endst. No. 296-301/Admn dated 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 which are unjust, unfair and hence not sustainable in the eye of law.
- b. That both the Courts i.e Anti Terrorism Court Bannu and District Court Lakki Marwat are under the administrative control of Peshawar High Court, Peshawar where staff of both the Courts are appointed and promotion given by the Peshawar High Court, Peshawar and funds are also released to both the Courts by the Peshawar High Court, Peshawar.
- c. That once the Peshawar High Court, Peshawar has transferred the appellant on 21.04.2003 from ATC Bannu to District Court Lakki Marwat and permanently adjusted/ absorbed the appellant in District Court Lakki Marwat against newly created post of Assistant, now the respondent No. 1 is estopped by his own conduct while issuing impugned Office Order Endt No. 296-301/Admin dated 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021. As such the impugned Office Order dated 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 are illegal, unlawful and without lawful authority.
- d. That Peshawar High Court Peshawar is competent authority in making order of appellant dated: 21-04-2003 whereby appellant was transferred from ATC Court Bannu and adjusted permanently as Assistant in District Court Lakki Marwat on newly created post of Assistant in District Court Lakki Marwat. As such the impugned order dated: 08-01-2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 are nullity in the eye of law.
- e. That had the post of Assistant not vacant in District Court Lakki Marwat, the appellant would not have been transferred from ATC Bannu to District Court Lakki Marwat. Similarly the respondent No.02 has also given NO Objection to the application moved by the appellant to the Registrar Peshawar High Court Peshawar for transfer and permanent adjustment of appellant from ATC Bannu to District Court Lakki Marwat.

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21.04.2003 whereby appellant is permanently absorbed as Assistant against newly

g. That as the post of Assistant was vacant in District Court Lakki Marwat and appellant was transferred from ATC Court Bannu to District Court Lakki Marwat on afore-said vacant post, therefore, the appellant was receiving monthly salary from District Court Lakki Marwat on afore-said vacant post, since transfer of the appellant on 21.04.2003. Similarly the Seniority of the appellant is also maintained in the District Court Lakki Marwat since 2003 till 2020. All these facts clearly shows that the appellant was permanently absorbed in the District Court Lakki Marwat and is no more employee of Anti Terrorism Court, Bannu

created vacant post in District Court Lakki Marwat.

h. That since transfer of the appellant on 21.04.2003, seniority of the appellant is maintained in the District Court Lakki Marwat since 2003 till 2020. Similarly the appellant was also drawing his monthly salary from District Court Lakki Marwat and was no more employee of ATC Bannu. But the impugned Office Order dated 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 have deprived the appellant from various valuable rights including seniority position and promotion of the appellant.

appellant is senior most Assistant in District Court Lakki Marwat and is entitled for promotion as Superintendent in the upcoming Departmental Promotion Committee Meeting but due to Office Order dated 08-01-2021 appellant has been deprived from promotion by taking away the right of senior most employee among Assistants in District Court Lakki Marwat. As such impugned Office Order dated 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 have materially affected the seniority and promotion of the appellant, hence the same be atruck down.

That due to impugned office order dated: 08-01-2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021, the 17 long years service of appellant has been destroyed / wasted with just one stroke of pen and appellant has been deprived from seniority and promotion in District Court Lakki Marwat. As such great



injustice has been done with the appellant vide impugned Office Order dated 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 without any fault on part of the appellant. Where does and from whom the appellant will find his service benefits / rights as appellant has served 17 years long service in District Court Lakki Marwat?

- k. That at the same time, the ATC Bannu has not maintained the seniority position of appellant in ATC Bannu since his transfer in 2003 and the employee namely Umer Ayaz who was Assistant in 2003 and Junior to the appellant at that time was given Promotion to the post of Superintendent in ATC Bannu in year 2013. The Office Order dated 08/01/2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 have confused the status of appellant which has been issued after 17 long years of appellant's service in District Court Lakki Marwat. As such great injustice has been done with the appellant vide impugned Office Order dated 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021.
- 1. That after transfer of the appellant from ATC Bannu to District Court Lakki Marwat, common seniority list of Assistants was maintained for the officials of District and Sessions Judge Lakki Marwat since 2004 in which appellant was also included and was placed at the bottom of Assistants at that time. The other official namely Amir Nasrullah was promoted to the post of Superintendent by Peshawar High Court Peshawar on dated 17.04.2017 from the same common seniority list of Assistants in which the name of appellant was also included and was at Serial No. 2 in the year 2017. The Peshawar High Court, Peshawar issued promotion Orders of employees from the same seniority list in which the appellant was also included since appellant's transfer in 2003 and no objection whatsoever has been raised upon the seniority position and induction of the appellant in the seniority list and becoming the appellant being transferred and permanently absorbed in District Court Lakki Marwat.
- m. That appellant is now senior most Assistant in District Court Lakki Marwat and is entitled for promotion as Superintendent in the upcoming Departmental Promotion Committee Meeting but due to office order dated 08-01-2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 appellant has been deprived from promotion. As such the impugned Office Order 08.01.2021 and impugned Appellate Order No. 7311/Admn dated 21.05.2021 have been issued with malafide intention and with ulterior motives to bypass the appellant for promotion.
- n. That fundamental rights of the appellant as enshrined in the Constitution Of Islamic Republic Of Pakistan,1973 have been infringed of appellant including the rights reserved in Article 04 and Article 25 of the Constitution.

o. That counsel of the appellant may be allowed to raise the additional grounds during the course of arguments

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

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

Through

Inroug

Date 64/01/2022

Appellant 6

Shahid Saleem Mina Khel Advocate High Court

Verification

I Tariq Saleem, Assistant Anti Terrorism Court Bannu do hereby affirm and declare on oath that the contents of this amended appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

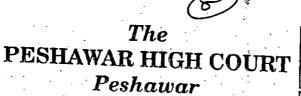
Appellant

04 JAN 2022

ATTESTED

Muhampett Sadiy Dur

Advocate High Court Pesh?



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



Exch: Off: 9210149-58 9210135

9210170

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

No. 73/1 /Admn:

24.5.2021

Dated Pesh the 21/05/2021

To:

The Judge,

Anti-Terrorism Court, Bannu.

Subject:

REPRESENTATION/DEPARTMENTAL APPEAL AGAINST ORDER BEARING ENDST: 296-301/ADMN DATED 08.01.2021.

Dear Sir,

I am directed to refer to your letter No.48/Judge/ATC dated 27.01.2021, on the subject and to say that after due consideration the request of review by Mr. Tariq Saleem Assistant, being bereft of any merit is turned down by his lordship Hon'ble the Chief Justice. Hence, the order of his transfer back to his original station and position is upheld.

Please inform him accordingly.

Sincerely yours,

ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR

Attested ...

5 20.5.2

PAFintal QayumAGB\Admin leiters\ATC\BaumAMisc Leiters.do

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 500/2021

Tariq Saleem	Appellant
Versus	·

Registrar, Peshawar High Court, Peshawar & others....Respondents

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1.	Memo of Service Appeal			/-7
2.	Stay Application with Affidavit		<u> </u>	8
3.	Appointment order of appellant	09.04.2003	A	9
4.	Copies of transfer order dated 21.04.2003, application of appellant and No Objection remarks of respondent No. 02	21.04.2003 & 21.04.2003	B-1 to B-2	10-11
5.	Copies of officer order dated 02.05.2003 and office order dated 05.07.2003	02.05.2003 & '05.07.2003	C-1 to C-2	12-13
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Through

Shahid Saleem Mina Khel Advocate High Court

Appellant

Date 14 /5/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Sarvica	Appeal No.	•	10004
SELVICE	Appeal No.		/2021

Tariq Saleem,	•
Assistant,	
Anti Terrorism Court, Bannu	Annellant
	The second secon

Versus

- The Registrar, Peshawar High Court, Peshawar
- 2. The Special Judge Anti Terrorism Court, Bannu

SERVICE APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTUN KHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER ENDST: NO. 296-301/ADMN DATED 08.01.2021 WHERE BY THE APPELLANT HAS BEEN TRANSFERRED BACK FROM DISTRICT COURT LAKKI MARWAT TO ANTI TERRORISM COURT BANNU AGAINST WHICH APPELLANT PREFFERED DEPARTMENTAL REPRESENTATION ON 27.01.2021 BUT THE SAME WAS NOT DISPOSED OFF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned Office Order Endst No. 296-301/admn dated 08.01.2021 may graciously be set aside being illegal, unlawful, against the rules, regulations and against the rights of the appellant and appellant may kindly be given his due rights in the District Court Lakki Marwat.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

- That the appellant is the permanent resident of District Lakki Marwat.
- That appellant was appointed as Assistant / Reader (BPS-11) vide order No. 22/ATC Bannu, Ends: No. 23-28/ATC dated 09.04.2003 (Annex:-A) in Anti Terrorism Court Bannu in pursuance of advertisement.

Sid

That after appointment of appellant in ATC Bannu, the appellent wrote application to the Registrar Peshawar High Court Peshawar, i.e., respondent No. 1 to the effect that appellant has blood fued enmity in his village for while he could not travel daily from District Lakki Marwat to District Bannu, therei appellant may be transferred and permanently adjusted / absorbed in the Distr Court Lakki Marwat against newly created vacant post of Assistant in District Court Lakki Marwat. As such the respondent No.01accepted the application of the appellant and accordingly vide order dated 21.04.2003 (Annex:-B-1), appellant was transferred by Peshawar High Court, Peshawar vide Ends: No. 4392-4396/Admin dated 21.04.2003 from ATC Bannu to District Court Lakki Marwat and posted as Assistant / Reader (BPS - 11) against newly created vacant post of Assistant in District Court Lakki Marwat. The aforesaid order was made by the respondent No. 1 and as such appellant was permanently absorbed in the District Court Lakki Marwat in the year 2003. Copies of transfer order dated 21.04.2003, application of appellant and No Objection remarks of respondent No. 02 are attached as Annexure B-1 to B-2.

- That in light of the afore-said transfer order, the appellant submitted his arrival report which is duly accepted by the respondent No.3 i.e District and Sessions Judge Lakki Marwat vide office order No. 236-38 dated 02.05.2003 (*Annex:-C-1*) and permanently adjusted as Assistant on vacant post of Assistant by Office Oder dated 05.07.2003 (*Annex:-C-2*) of District and Sessions Judge Lakki Marwat. As such appellant was permanently absorbed in the District Court Lakki Marwat on vacant post of Assistant. Copies of officer order dated 02.05.2003 and office order dated 05.07.2003 are attached as **Annexure C-1 to C-2**.
- That as the post of Assistant was vacant and appellant was transferred from ATC Court Bannu to District Court Lakki Marwat on afore-said vacant post, therefore, the appellant was receiving monthly salary from District Court Lakki Marwat on afore-said vacant post, since transfer of the appellant on 21.04.2003. Similarly the Seniority (Seniority Lists *Annex*:-D) of the appellant is also maintained in the District Court Lakki Marwat since 2003 till 2020. All these facts clearly shows that the appellant was permanently absorbed in the District Court Lakki Marwat and is no more employee of Anti Terrorism Court, Bannu.
- 6. That at the same time, the ATC Bannu has not maintained the seniority position of appellant in ATC Bannu and the employee namely Umer Ayaz who was Assistant in 2003 and Junior to the appellant at that time. In the year 2013 the

(1)

aforesaid Umer Ayaz was given Promotion to the post of Superintendent in ATC Bannu. Meaning there by that appellant was no more employee of ATC Bannu nor his seniority position maintained there in ATC Bannu and the appellant was permanently absorbed in District Court Lakki Marwat. (Copy of appointment order of Umer Ayaz Assistant is already attached as *Annexure:-*A).

`€}=

- 7. That after rendering 17 long years in District Court Lakki Marwat, and being permanently absorbed in District Court Lakki Marwat, the respondent No.1 issued office order No: 296-301/Admin dated: 08-01-2021 (*Annex:-E*) vide which the respondent No. 1 cancelled its own Office Order Ends: No: 4392-4396 dated 21-04-2003 and appellant is transferred back to ATC Bannu.
- No.1 called comments from the Respondent No.3 regarding the promotion of Assistants to the post of Superintendent as per seniority list maintained in the District Court Lakki Marwat. The Respondent No.3 in his detail reply (*Annex:-F*) admitted the fact that appellant is on top of the seniority list of Assistants as appellant's seniority is maintained since his transfer in 2003 in District Court Lakki Marwat and the appellant also drawn his salary on the post of Assistant from District Court Lakki Marwat since then.
- 9. That now as the appellant is on top of seniority list maintained for the Assistants since 2004 and is entitled for promotion to the post of Superintendent, now the appellant has been transferred back to ATC Bannu with malafide intention and with ulterior motives to deprive the appellant of his valuable rights in District Court Lakki Marwat.
- 10. That after issuing impugned order dated 08-01-2021 the appellant made Departmental representation to the competent Authority on 27.01.2021 through proper channel. (Copy of Departmental Representation dated 27.01.2021 along with registry receipt is attached as *Annex:-G*).
- 11. That feeling aggrieved of Office Order Ends No 296-301/ Admin dated 08.01.2021, the appellant called in question the same through departmental representation on 27.01.2021 but the same was not disposed off within the statutory period of 90 days, hence the instant appeal inter-alia on the following grounds.

Rid

12. That appellant, being aggrieved of the acts and actions of Respondents and having no other adequate and efficacious remedy, files this appeal inter-alia on the following grounds.

Grounds:

- a. That the respondents have not treated the appellant in accordance with law, rules and policy on subject and acted in violation of Article 04 of the Constitution Of Islamic Republic Of Pakistan, 1973, and unlawfully issued the impugned office order dated 08.01.2021 which is unjust, unfair and hence not sustainable in the eye of law.
- b. That both the Courts i.e Anti Terrorism Court Bannu and District Court Lakki Marwat are under the administrative control of Peshawar High Court, Peshawar where staff of both the Courts are appointed and promotion given by the Peshawar High Court, Peshawar and funds are also released to both the Courts by the Peshawar High Court, Peshawar.
- c. That once the Peshawar High Court, Peshawar has transferred the appellant on 21.04.2003 from ATC Bannu to District Court Lakki Marwat and permanently adjusted/ absorbed the appellant in District Court Lakki Marwat against newly created post of Assistant, now the respondent No. 1 is estopped by his own conduct while issuing impugned Office Order Endt No. 296-301/Admin dated 08.01.2021. As such the impugned Office Order dated 08.01.2021 is illegal, unlawful and without lawful authority.
- d. That Peshawar High Court Peshawar is competent authority in making order of appellant dated: 21-04-2003 whereby appellant was transferred from ATC Court Bannu and adjusted permanently as Assistant in District Court Lakki Marwat on newly created post of Assistant in District Court Lakki Marwat. As such the impugn order dated: 08-01-2021 is nullity in the eye of law.
- e. That had the post of Assistant not vacant in District Court Lakki Marwat, the appellant would not have been transferred from ATC Bannu to District Court Lakki Marwat. Similarly the respondent No.02 has also given NO Objection to the application moved by the appellant to the Registrar Peshawar High Court Peshawar for transfer and permanent adjustment of appellant from ATC Bannu to District Court Lakki Marwat.

Said

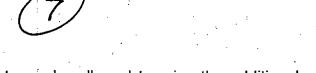
- f. That in the transfer order of appellant made by the Peshawar High Court Peshawar on 21.04.2003, there is no mention of word "Deputation or Detailment" but written as "Transferred and posted as Assistant against newly created vacant post". Which means that appellant has been transferred and permanently adjusted / absorbed as Assistant in District Court Lakki Marwat. As such the impugned Office Order dated 08.01.2021 has been issued in negation of its previous order dated 21.04.2003 whereby appellant is permanently absorbed as Assistant against newly created vacant post in District Court Lakki Marwat.
- g. That as the post of Assistant was vacant in District Court Lakki Marwat and appellant was transferred from ATC Court Bannu to District Court Lakki Marwat on afore-said vacant post, therefore, the appellant was receiving monthly salary from District Court Lakki Marwat on afore-said vacant post, since transfer of the appellant on 21.04.2003. Similarly the Seniority of the appellant is also maintained in the District Court Lakki Marwat since 2003 till 2020. All these facts clearly shows that the appellant was permanently absorbed in the District Court Lakki Marwat and is no more employee of Anti Terrorism Court, Bannu
- h. That since transfer of the appellant on 21.04.2003, seniority of the appellant is maintained in the District Court Lakki Marwat since 2003 till 2020. Similarly the appellant was also drawing his monthly salary from District Court Lakki Marwat. All the afore said facts clearly reveals that appellant was permanently absorbed in the District Court Lakki Marwat and was no more employee of ATC Bannu. But the impugned Office Order dated 08.01.2021 has deprived the appellant from various valuable rights including seniority position and promotion of the appellant.
- i. That appellant has rendered 17 years' service in District Court Lakki Marwat. The appellant is senior most Assistant in District Court Lakki Marwat and is entitled for promotion as Superintendent in the upcoming Departmental Promotion Committee Meeting but due to Office Order dated 08-01-2021 appellant has been deprived from promotion by taking away the right of senior most employee among Assistants in District Court Lakki Marwat. As such impugned Office Order dated 08.01.2021 has materially affected the seniority and promotion of the appellant, hence the same be struck down.
- j. That due to impugned office order dated: 08-01-2021, the 17 long years service of appellant has been destroyed / wasted with just one stroke of pen and appellant has been deprived from seniority and promotion in District Court Lakki Marwat. As such great injustice has been done with the appellant vide impugned

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Office Order dated 08.01.2021 without any fault on part of the appellant. Where does and from whom the appellant will find his service benefits / rights as appellant has served 17 years long service in District Court Lakki Marwat?

- k. That at the same time, the ATC Bannu has not maintained the seniority position of appellant in ATC Bannu since his transfer in 2003 and the employee namely Umer Ayaz who was Assistant in 2003 and Junior to the appellant at that time was given Promotion to the post of Superintendent in ATC Bannu in year 2013. The Office Order dated 08/01/2021 has confused the status of appellant which has been issued after 17 long years of appellant's service in District Court Lakki Marwat. As such great injustice has been done with the appellant vide impugned Office Order dated 08.01.2021.
- I. That after transfer of the appellant from ATC Bannu to District Court Lakki Marwat, common seniority list of Assistants was maintained for the officials of District and Sessions Judge Lakki Marwat since 2004 in which appellant was also included and was placed at the bottom of Assistants at that time. The other official namely Amir Nasrullah was promoted to the post of Superintendent by Peshawar High Court Peshawar on dated 17.04.2017 from the same common seniority list of Assistants in which the name of appellant was also included and was at Serial No. 2 in the year 2017. The Peshawar High Court, Peshawar issued promotion Orders of employees from the same seniority list in which the appellant was also included since appellant's transfer in 2003 and no objection whatsoever has been raised upon the seniority position and induction of the appellant in the seniority list and becoming the appellant being transferred and permanently absorbed in District Court Lakki Marwat.
- m. That appellant is now senior most Assistant in District Court Lakki Marwat and is entitled for promotion as Superintendent in the upcoming Departmental Promotion Committee Meeting but due to office order dated 08-01-2021 appellant has been deprived from promotion. As such the impugned Office Order 08.01.2021 has been issued with malafide intention and with ulterior motives to bypass the appellant for promotion.
- n. That fundamental rights of the appellant as enshrined in the Constitution Of Islamic Republic Of Pakistan, 1973 have been infringed of appellant including the rights reserved in Article 04 and Article 25 of the Constitution

Sind



o. That counsel of the appellant may be allowed to raise the additional grounds during the course of arguments

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

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

Appellant

Through

ShahidSaleem Mina Khel Advocate High Court

Date <u>19</u>_/5/2021

Verification / Affidavit

I Tariq Saleem, Assistant Anti Terrorism Court Bannu do hereby affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent / Appellant

ATTESTED

190



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

	Service Appeal No/2021	
	Tariq Saleem	Appellant
	Versus	
	Registrar, Peshawar High Court, Peshawar and others	Respondents
Com	lication for suspending the proceedings of Dimittee for the post of Superintendent in District Couosal of instant appeal.	ırt Lakki Marwat till final
Resp	pectfully Sheweth,	
1 ,	That the above titled service appeal is being filed toda for hearing.	ay which is yet to be fixed
2	That appallant is an tan of conjusts, list maintained for	a the Assistants in District

- That appellant is on top of seniority list maintained for the Assistants in District Court/Judiciary Lakki Marwat and is entitled for promotion to the post of Superintendent, but due to impugned Office Order Endst No. 296-301/Admn dated 08.01.2021 the appellant has been transferred back from District Court/Judiciary Lakki Marwat to ATC Bannu and the appellant has been deprived of his seniority and promotion.
- 3. That after issuing impugned Office Order Endst No. 296-301/Admn dated 08.01.2021, the department is going to process the promotion cases of employees who are junior from appellant in the seniority list of District Court Lakki Marwat by bypassing the appellant and depriving the appellant from his valuable right.
- 4. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which makes out an excellent prima facie case in favor of the appellant.
- 5. That the balance of convenience also lies in favor of appellant and in case the interim relief is not extended to the appellant he will suffer irreparable loss.

It is therefore humbly requested that on acceptance of this application the proceedings of Departmental Promotion Committee for the post of Superintendent in District Court Lakki Marwat may kindly be suspended till final disposal of instant appeal.

Through

ShahidSaleem Mina Khel

Advocate High Court

Date <u>/9</u>//5/2021

Affidavit

I Tariq Saleem, Assistant Anti Terrorism Court Bannu do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Applicant/Appellant

nnex-A

OFFICE OF THE PROIAL JUKE. AND THEREIS COURT.

OFFICE ORDER

ATT. Bannu.

As recommended by the Selection Committee, the following appointment and posting is made in the interest of public with immediate effect subject to medical fitness.

S-No. NAME FA MER NAME AND ADDRESS.

Asif Wazir 8/0 Westrollah R/O Khalid fridi Quarters, Quarter No.2 by Pass road near Sugar Mills, Mardan.

- Tario Baleem S/O Balim Khan Mina Khal R/O Ketachary Road, Opposit Mis-Gan Lakki Markat.
- Umer Ayaz Khan 3/0 Mohammad Janan Appointed to posted R/O Kotka Mohammad Jagoob P.O. as Reader/Assistan 3- R/O Kotka Mohammad Yaqoob P.O. Busar A hoed Khon, Banny

No.te:-

the appointment will be subject to/Govt. Rules & Regulations.

> Muhammad Tagsob Khan Khattak) Special Judge.

REMARKS.

B.2.9. 15

in BPB-11.

in B.J. 3-11

Appointed & Posted

se Utenographer in

Appointed & posted es Reader/Assistant

/ATC, Benny, Dated: 7/4/2003 Endst. No. 23-28.

Copies to:-

- Registrar, Peshawar High Court, Peshawar.
- The District Accounts Cfficer, Banna,
- Official/candidates conserved.

Muhammad Ingood Khan Khattak) Special Julie.

PESHAWAR HIGH COURT PESHAWAR.

ORDE R.

Dated Peshawar the 21st April, 2003.

The Han ble Chief Justice of this Court has been pleased to Order the following transfer/posting amongst the staff. of subordinate Courts with immediate effect .-

sr.No.	Name of Official with designation.	From .	то	Remarks.
•	Mr.Tariq Saleem, Assistant/Reader to the Court of Anti-Terrorism Court. (EPS-11)		Lakki- Harwat.	Transferred and services placed at the disposal of District and Sessions Judg Lakki-Marwat for posting as Assistant/Reader again
			•	the Vacant post. (BPS-11).
			•	

request of the applicant, No TADA will be admissible.

BY ORDER OF THE CHIEF JUSTICE

Muhammad salim khan minakhel REGISTRAR.

Dated Pechawar the 21/4 /2003. Fndst-No.

Copy forwarded to :-

- 1) The special Judge, Anti-Terrorism Court, Bannu with reference to his gndst.No.45, dated 21.4.2003.
- 2)- The District and Sessions Judge, Lakki-Marwat.
- 3) The District Accounts Officers, Bannu and Lakki-Marwat
- 4) The official concerned by name.

(MUHAMMAD SALUH KHAN MINAKHEL) REGISTRAR.

⊕o,

The Registrar, Peshawar. Peshawar.

Subject:-

TRANSFER OF THE AFPLICANT FROM COURT, BANNU TO DISTRICT COURTS LAKKI MARWAT.

Respected Sir,

I have the honour to submit that on merits I have been recruited as an Assistant/Reader in the Anti-terrorism Court, Bannu.

I am permanent residence of District Lakki Marwat (way from District Bannu some 65/65 Kilo-meters and I use to come to perform my duty from Lakki Marwat to Bannu as I have no facility of accommodation in the District Bannu.

I have blood-feud enmity. Since I use to come to my duty place daily a one notable time, there-fore, apprehend serious danger to my life. On account of my enmity it will not be possible for me to reside at Bannu alone as I have no relative to the Bannu.

In the circumstances, I may kindly be transferred from Anti-terrorism Court, Bannu to District Courts Lakki Marwet as one post of Assistant is vacant there. I will pray all the time for your honour for the above accompdation.

(Tarig Saleem)
Assistant/ Reader in the
Court of Anti-terrorism Court,
Bannu

OFFICE OF THE ANTI-TERRORSIM COURT, BANNU

/ATC, BANNU. . DATED 21./4/2003.-

Forwarded in original with thompremarks that this Court has got no objection on the transfer of applicant : rom this Court to District Courts Lakki Marwat. The grounds pheaded in the petition by the applicant are correct.

> Yaqoob Khad Khattak, Special Judge, Anti-terrorism Court Bannu.

> > Latt Terrorism Court Bannu

(12) Annex-C-1

1 5 h 4998

OFFICE OF THE DISTRICT AND SESSION JUDGE, LAKKI MARWATOMES. ... LO -5-0

OFFICE ORDER

Is persuance of the order of the PMCP Endstt:
No.4392-4396/Adms: dated 21.4.2003, whereby Mr.Tariq Salees
Assistant/Reader to the court of Anti-Terrorism Court Bansu
EPS-11 was transferred to this court and on submitting arrival
report by Mr.Tariq Saleem, he is posted as Assistant/Reader in
BPS-11 in the court of Additional & District Judge Lakei Marwat
against newly created post.

(WILAYAT ALI KHAN)

DISTRICT & SESSION JUDGE

LAKKI MARWAT.

No. 23/5/38

dated Lakki Marwat the, 02-5-/2003.

Copy forwarded to:-

The Registrar, Peshawar High Court Peshawar.

2:- The Senior Civil Judge, Lakki Marwat.

3:- The Bistrict Account Officer, Lakki for information.

DISTRICT & SESSION JUDGE LAKKI MARVAT.

DIDURICE & SESSIONS JUDGE LALAI MARWAT.

OFFICE ORDER.

The following transfers and posting are nereby ordered with immediate effect in the interest of Puulic services.

n mentang dan kecamatan da Kecamatan dan kecamatan da		· ·	•
Name of the official.	From	(Popular section)	Danamin 13
	yes that they the	To comment	Remarks.
1-Mashal Khan, Steno	Addl:District	District and	Trasmferred
Grapher to Addl: Distr:	*and Sessions	Sessions Judge	& posted as
and Sessions Judge, Lakki	Judge, Lakki.	Lakki Marwat.	Steno Grapher
			against vacant
	·		post.
2-Liaqat Ali Khan, Steno	Capian At 17		- 1!
Grapher to Senior civil		Addl:District	Transferred
Judg Jakki Marwat.	Judge, Lakki	and Sessions	and posted as
Wagner Barkt Hathat.	•	Judge, Lakki.	Steno Grapher
9 A	•		vice No.1.
3-Muhammad Ilyas, Typest,	/ Civil Judge_T	0	
J-C to Civil Judge-I, Lak	ki Lakki.	Senior Civil	Trasuferred
18 1	KI DAKI.	Judge, Lakki.	and posted as
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Reader.		Addl:District	Rosted/
Marine Arte de la companya del companya del companya de la company		and Sessions	adjusted as
Fad-Kir Circumstan		Judge, Lakki	Assistant/
			Reader against
5-Asmatullah, Reader to		A STATE OF THE STA	vacant post.
visite to	Civil JudgepIV	Addl: District	
Civil Judge-IV, Lakki.	Lakki Marwat	and T. DISTILLOT	Transferred
		andSessions	and posted
6-Muhammad Nasir Khan,		Judge Lakki	s Moharrir.
Civil Moharrir.	Civil Judge-II	Civil Judge IV	
	Lakki Marwat.	Lakki Marwat	Transferred
			and posted as
			Moharrir/
Mg Control of the Con	· · · · · · · · · · · · · · · · · · ·		Reader, vice
	}.	- Jani	* No.15.
·			
	•	(Wilayat Ali Knar	a) -/1
	Di	Strict & Sessions	Turai de
The state of the s			s uud de

Lakki Marwat.

Dated Lakki the ⁷07/2003. Copy forwarded to:-The Addl: District & Sessions Judge, Lakki. The Senior civil Judge, Lakki Marwat. Civil Judge-II, lakki Marwat. The Civil Judge-IV, Lakki. Hieralsconcerned

Final Seniority List in respect of Assistant (BPS-16) of the District Judiciary, Lakki Marwat for the year 2019

Total Sanctioned Strength: 96

District & Session Judge · 04 (03 working)

Senior Civil Judge

02

•	<u>'</u>		ν.	_	S.#
Zardad Khan	Mir Abbas	Taj Muhammad	Asmatullah	Tariq Saleem	Name
Yousal Jan	Nizam Khan	Saleh Muhammad	Haji Mir Sahib Khan	Muhammad Salecm	Father's Name
Matric	ВА	MBA	BA	BA	Qualification
12/08/1960	07/1/1966	13/03/1985	01/09/1972	04/01/1981	Date of Birth
(BPS-16)	· (BPS-16) Civil Nazir	13/03/1985 Accountant (BPS-16) 29/01/2008	01/09/1972 Assistant (BPS-16) 21/01/ 1991	Assistant (BPS-16) 09/04/2003	Present Post held with BPS
13/09/1900	70017007	29/01/2008	21/01/ 1991	09/04/2003	Date of Initial Appointment
2010212010	26/02/2010	01/10/2010	25/11/2011	21/04/2003	Recruitment to the Present Post
r tomonou		Direct	Promotion	Direct	Mode of Recruitment
11.00/1017	11306/7020	12/03/2048	31/08/2035	02/04/2042	Date of attaining Superannuation

1 2 - 1 - Top on ved on 25 - 1 - 67

District & Sessions Judge, Lakki Marwat.

Provisio Ed Seniority List in respect of Assistant (BPS-16) of the District Judiciary, Lakki Marwat as it stood on 31-12-2018

Total Sanctioned Strength .: 05

District & Session Judge 93

Senior Civil Judge

Vaca	Vacant Posts	: 02					- Takes		
S. ##	Name	Father-s-Name — Qualification	Qualification	Date of Birth	Present Post held with BPS	Date of Initial Appointment	Date of Date of Initial Recruitment to Appointment the Present Post	Mode of Recruitment	Date of attaining Superannuati
	Tariq Saleem-	1 Tariq SaleemMuhammad Saleem	ВА	04/01/1981	04/01/1981 Assistant (BPS-16)		21/04/2003	Direct	02/04/2039
را	Sher Shah	Qabal Khan	BA/LLB	14/12/1958	14/12/1958 Assistant (BPS-16) 29/08/1986	29/08/1986	7 010 <i>2</i> 721/17	Promotion	13/12/2018
دن	프).	Haji Mir Sahib Khan	. :	01/09/1972	13/N= 01/09/1972 Assistant (BPS-16) 21/01/.1991	21/01/.1991	25/11/2017 Promotion	Promotion	31/08/2032
1-	Vacant	1							
Ui .	Vacant	-		•.					

Dated: 29-01-2018

Examirier to earlot & Session Judger ballot Marwite

District & Sessions Judge, akki Marwat.

Final Seniority List in respect of Assistant (BPS-14/16) of the District Judiciary, Lakki Marwat as it stood on 31-12-2015.

Senior Civil Judge=	District & Session Judge=	Total Sanctioned Strength=
93	04	06

12	_	S# Name	S# ° Name		S# 1 1 7 1 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1	S# S# R. T.	S# S# R. T.	S 4 3 R R	S# S# S# S A S A	Taj. p. 20 1
ω	Father's Name			ስ ፡፡ Ghulam Sarwar	1, 1,					
•	Designation	,	Assistant		Assistant	Assistant Assistant/Civil	Assistant Assistant/Civil Nazir Assistant	Assistant Assistant/Civil Nazir Assistant Assistant	Assistant/Civil Nazir Assistant Assistant Assistant Assistant	Assistant/Civil Nazir Assistant Assistant Assistant Assistant/Acc ountant
	Qualification		Matric .		BA	BA Matric	Matric BALLB	Matric BALLB BA	Matric BALLB BA	Matric BALLB BA BA BA
	Date of Birth	Birth	. 16/11/1959	Ó3/04/1979		10/12/1956	10/12/1956	10/12/1956 14/12/1958 01/09/1972	10/12/1956 14/12/1958 01/09/1972	10/12/1956 14/12/1958 01/09/1972 13/03/1985
6.	Present Post held	with BPS	Assistant (BPS-16)	Assistant (BPS-16)	A	(BPS-16)	(BPS-16) Assistant (BPS-16)	Assistant (BPS-16) Assistant (BPS-16) Assistant (BPS-16)	Assistant (BPS-16) Assistant (BPS-16) Assistant (BPS-16) Budget &	Assistant (BPS-16) Assistant (BPS-16) Assistant (BPS-16) Budget & Account Assistant
7	Date of Initial Appointment	Appointment	26/06/1978.	09/04/2003		03/09/1977				
8	Date of Recruitment to the	to the Present Post	09/10/2000	21/04/2003	•	25/02/2004	25/02/2004	25/02/2004 21/12/2010 25/11/2011	. 25/02/2004 21/12/2010 25/11/2011	. 25/02/2004 21/12/2010 25/11/2011 01/10/2010
9	Mode-of- recruitment		By Promotion	Direct	-	By Promotion	By Promotion By Promotion	By Promotion By Promotion By Promotion	By Promotion By Promotion By Promotion	By Promotion By Promotion By Promotion Direct
10	Date of attaining superannuation	superannuation	15/11/2019	02/04/2039		09/12/2016	09/12/2016	09/12/2016 13/12/2018 31/08/2032	09/12/2016 13/12/2018 31/08/2032	09/12/2016 13/12/2018 31/08/2032 12/03/2045

Dated: 05-04-2016

Note: The official at Sr. No. 6 has been included provisionally subject to Up-gradation of the post of Accountant from BPS-14 to BPS-16.

Examiner to

Water & Session Judge
Lakki Wayupa

District & Sessions Judge Lakki Marwat.

Final Seniority List in respect of Assistant (BPS-14/16) of the District Judiciary, Lakki Marwat as it stood on 31-12-2

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Tai Muhammad		Asmatullah		Sher Shah		Rehmatullah	-	Tariq Saleem		Nasruliah			A Committee of the Comm	Name	,*	ا ا	2		Senior C	District		Total Sa		Final Sen
Saleh Muhammad	-	Khan	Haii Mir Sahib	, Kabul Khan		Abdullan Kilan		Saleem Khan	Muhammad	GUNIANI SAI WAI		,		Father's Name			U		Senior Civil Judge=	District & Session Judge=		Total Sanctioned Strength=		Final Sellionity Fish in Lespece St
ountant	Assistant/Acc		Assistant		Assistant	Nazir	Assistant/Civil		Assistant		Assistant		•			Designation		- :	02	9 9	2) 		
MON	7/0/	3	ВА		BALLB	-	Matric		BA		Matric •			Qualification				4			85 C.C.	1	.(
ייייייייייייייייייייייייייייייייייייייי	13/03/1985		01/09/1972		14/12/1958		10/12/1956		03/04/1979		16/11/1959		-,	Birth	Date of			UTI 1	1	Z.		 Z		
	Assistant		Junior Clerk		Process Server	,	Process Server		Assistant		Process server	Propert Contor	g	Toponicine	Annointment	nitial		0		DYCO	S	•	ラスプ	٠,
	29/01/2008	20 /01 /2000	1661/10/17	22/01/1001	73/06/1300	_	00/00/20/	02/09/1977	09/04/2003		10000	26/06/1978	•	Appointment	חשובי טו ווזונוםו	Data of Initial			7			M Varac		
	organia !	01/10/20m	1102/11/62	ווחכן וואפר	0102/22/23	21/12/2010	1000	25/02/2804	124/04/2003			09/10/2600	Present Post	to the		Pecruitment	Date of	c	×					:
-	-			P	,	p		P	D			P		*	recruitment	Mode of			٥					
		12/03/2045		31/08/2032		13/12/2018		09/12/2016	02/04/2039	20 (0.1 /2020	E Comment	15/11/2019		and comments.	cimeranniation	Date of attaining	0		10			***		

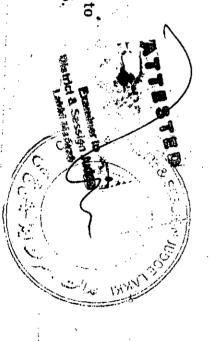
Direct

Promotion

29-09-2015

Dated:

Note: The official at Sr. No. 6 has been included provisionally subject to Up-gradation of the post of Accountant from BPS-14 to BPS-16.



District & Sessions Judge 🕖 Lakki Marwat.

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iftikhar Alam	ijaz Ahmad Shah	Aftab Ahmad	· Ihsanullah	Amir Hamza	Asmatullah	Size Situa	Taj Muhammad	Tariq Sateem	مين د سيسيان	Nasrollah	Faridullah	Abdul Baqi	Rashid Afrinad	Mehammadiliyas	Siraj ud Din	Liagat Ali	Mashal Khan	Awai Zaman	Name	2	*
Operator	Computer	Operator	Computer	Coputer Operator	Assistant	Assistant	Accountant	Assistant		Assistant	Steno typis	Steno typa-y	Steno typis	Steno lypis	Stenografither	Stenograhpier	Stenograhyhul	Superintendera	Designati _s ,	3	
- i	- 1	<u> </u>		<u></u>	ž. ;		,				3.	3	14	3.	36	75	<i>3</i> .	77	\$\$.	*	Spior
12/12/1978	14/9/1986	14/12/1968	18/3/1982	4/1/1981	1/9/1972	14/12/1958	13/3/1985	3/4/1979		16/11/1959,	4/3/1986	20/3/1981	3/10/1984	0861/1/9	1/5/1975	3/4/1974	3/1/1959	20/09/1968	Date of Birth	5	ITY LIST OF
21/6/1999	13/11/2006	21/1/2004	15/8/2003	15/8/2003	21/1/1991	29/8/1926	29/1/2008 :	9/4/2003		26/6/1978 •	29/5/2007	74/1/2004	8/4/2004	10/12/1999	2/11/1995	19/11/1995	25/5/1987	24/10/1988	Date of Initial Appointment	6	CHE ESTABLISHI
26/11/2008	13/11/2006	13/11/2006	15/8/2003	15/8/2003	25/11/2011	21/12/2010	1/10/2010	21/04/2003 (transferred from Barnu)	9/4/2003	9/10/2000,	7/11/2007	24/1/2004	8/4/2004	1/10/2003	6/2/2004	12/4/2000	3/1.2/1.993	1/7/1994	Date of Promopotion as Present	7	Spionity rist of the establishment of acasion.
21/6/2024	12/11/2031	20/1/2029	14/8/2028	14/8/2028	20/1/2016	22/8/2011	28/1/2033	8/4/2028		25/6/2003	28/5/2032	23/1/2029	7/4/2029	.9/12/2024	1/11/2020	18/11/2020		23/10/2013	Dated of Qualifying Service	8	
12/12/2038	13/9/2046	- 13/12/2028	17/3/2022	3/1/2(-1	31/08/2032	13/12/2018	12/3/2545	2/4/2529	- 	19/11/2019	3/3/20-6	19/3/2041	2/10/2014	5/7/2049	30/04/2035	2/4/2034	2/1/2015	19/9/2028	Date of Superanuation on 60 years	9	
KANN C.		LEW Lames!	Carried W			Chech	JA		・ブノ	j/	2	7	THE STATE OF THE S	, in	SAC.	of traver	Market	03	Signature	10	
						Control of the second	6.5	100	THE STATE OF THE S										Remarks	11	

Name dullab Computer 14 11/41985 22/07/2013 2		0	<u> </u>						7			-
			28/02/2026	20/1/2029	21/12/2010	24/1/2004	1/3/1966	7	Junior Clerk	Latif or Rehman	انوب	
Harderbalah Comment 14 141,1985 22,001,2013 21,001,003 3		\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		1.07 1.07	04/12/2009 (transferred from Tank)	20/10/1330	1//11/19/0		Junior Clerk		. 39	
Markendulan Communic 18 14/1989 22/02/003 21/02/003			16/11/2036	19/10/2015	20/10/1998	70/10/100	1000				-	
		2 or all	20/12/2045	25/11/2033	26/11/2008	26/11/2008	21/12/1985	7 .	Junior Clerk	Naqibullah	18	
Mile		that	15/3/2039	23/1/2009	26/11/2008	24/1/2004	16/3/1979	7	Junior Clerk	Rahimullah	37	
Majerbulah Communic 14 1/4/995 22/01/2013 22/02/2023 21/02/2025 21/	The state of	A Comment	19/9/2042	12/11/2031	13/11/2006	13/11/2006	20/9/1982	7	Junior Clerk	Muhammad Suleman Yousaf	36	
Managebulash Common 14 1/4/1989 22/02/2013 22/02/2013 22/02/2013 23	Q :	$\lceil \sqrt{2} \rceil$	14/3/3041	12/11/2031	13/11/2006	13/11/2006	15/3/1981	7	Junior Clerk	Arshad Alam	₹ 35	,
Nili Abbas Composition 14 1/4/1989 22/02/2013 22/02/2013 21/02/2013		1 THE	3502/6/2	7/4/3029	s) 4/2004	8/4/2004	5/9/1978	7	Junior Clerk	Arshad Munir	34	
Najectullation Convolvier Convolvier 14 11/41989 22/03/2013 22/03/2013 22/03/2013 22/03/2013 21	7	Carl Carl	15/1/2028	23/1/2029	8/4/2004 -	24/1/2004	16/1/1968	7	Jerroy Cligak	विकास का कर्त (द्वान	149	
Najecbulah Communic 14 14/1989 22/01/2013 22/02/2013 21/02/208 31/02/2085 31/0	-	1	12/4/2032	19/11/7020	s/4/200A	70/11/2995	17/4/1972			The second secon	· i	
Najeebulah Computer 14 1/4/1989 22/02/2013 22		Afr	19/2/2033	15/11/2020	29/1/2004	16/11/1995	20/2/1973	7	Junior Clerk		31	
Najeebullah Communic 14 1/4/1989 22/01/2013 22/02/2013 21/02/208 31/03/2045		£	15/3/2033	4/12/2018	2/4/2003	5/12/1993	16/3/1973	7	Junior Clerk	. 1	30	
Hajeebullab Compurer 14 1/4/1989 22/02/2013 22/02/2013 21/02/2018 21/02/2018 31/03/2045 Niir Abbas Senior Clerk 9 7/1/1966 10/9/1987 9/10/2000 9/9/2012 6/1/2006 1/1/2007 1/1/2006 1/1/2006 1/1/2007	:	A COLOR	10/7/2036		22/11/2002 (transferred from Kohat)	10/9/2001	11/7/1976	. 7	Junior Clerk	Javed Igbal	25	
Najeebullah Communer Operator 14 1/4/1989 22/02/2013 27/02/2013 27/02/2038 31/01/2048 4 Milir Abbasi Senici Clerk 9 7/1/1966 10/9/1987 9/10/2000 9/97/017 6/1/2018 4/1/2018 Sanniuliah Senici Clerk 9 1/11/1966 4/12/1993 15/9/2003 3/10/2028 4/1 Muhammad Iqbal Senior Clerk 9 1/2/10/1973 2/2/11/1995 1/11/1995 2/19/2003 3/10/2020 1/10/2035 4/1 Saeed Ahmad Senior Clerk 9 8/6/1972 15/11/1995 2/11/2010 14/11/2020 7/6/2032 4/11/2020 7/6/2032 4/11/2020 2/11/2020 1/6/2032 4/11/2020 2/11/2020 1/6/2032 4/11/2020 2/11/2020 <t< td=""><th></th><th></th><td></td><td></td><td>10/9/2001</td><td>•</td><td></td><td></td><td></td><td></td><td></td><td>19</td></t<>					10/9/2001	•						19
Najeebuliah Computer Operator 14 1/4/1989 22/02/2013 22/02/2013 21/02/2038 31/03/2045 Computer Mir Abbas Semicr Clerik 9 7/11/1966 10/9/1987 9/10/2000 9/9/2012 -6/1/2036 1/11/2036 1/11/1966 1/11/1993 15/9/2003 3/12/2018 31/10/2026 1/11/2036 1/11/1993 15/9/2003 3/12/2018 31/10/2026 1/11/2035 1/11/2035 1/11/2033 1/11/2033 1/11/2033 1/11/2033 1/11/2033 1/11/2033 1/11/2033 1/11/2033 1/11/2033 1/11/2034 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2034 1/11	22.0	1000	3/3/2030	343772021	4/7/1996	4/7/1996	4/3/1970	7	Junior Clerk	Mumtaz Khan	28)
Najeebullah Communer Operator 14 1/4/1989 22/02/2013 22/02/2013 22/02/2013 21/02/2038 31/03/2045 Wilr Abbas Senior Clerk 9 7/17/1966 10/9/1987 9/10/2000 9/9/2012 6/17/2008 7/11/2008 7/11/1993 15/9/2003 3/12/2018 31/10/2026 7/11/2008 7/11/2008 7/11/2009 1/11/2003 3/12/2018 31/10/2026 7/11/2008 7/11/2009 7/11/2009 3/12/2018 31/10/2026 7/11/2009 7/11/2009 3/11/2020 3/11/2020 31/10/2026 7/11/2020 7/11/2020 3/11/2020		To and the	14/6/2036	4/6/2021	ir.	5/6/1996	15/6/1976	7	hanior eleck	أرخمونة	. 27	
Najeebullab Computer Operator 1a 1/4/1989 22/02/2013 22/02/2013 22/02/2013 21/02/2038 31/03/2045 Computer Operator Mili Abbasi Senicr Clerik 9 7/11/1966 10/9/1987 9/40/2000 9/9/2012 6/12/2096 7/11/1966 1/11/1993 15/9/2003 3/12/2018 31/10/2026 1/11/2026 1/11/1993 15/9/2003 31/10/2020 11/10/2035 1/11/1995 15/9/2003 31/10/2020 11/10/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2035 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2030 1/11/2032 1/11/2033	/		22/11/2034	\$12/2020	\$/12/1995	5/12/1995	23/11/1974	7	Junior Clerk	Muhammad Naseer	.76	
Najeebullab Computer Operator 14 1/4/1989 22/02/2013 22/02/2013 21/02/2038 21/02/2038 31/03/2045 Computer Mir Abbas Senior Clerk 9 7/17/966 10/9/1987 9/10/2000 9/9/2012 6/17/2026 7/17/2026 7/17/1966 10/9/1987 9/10/2000 3/12/2018 31/10/2026 7/17/2020 7/17/2023 7/17/2023 7/17/2	,		23/12/2032	29/11/2020	25/11/2011	30/11/1995	24/12/1972	ő	Senior Clerk	Abdul Munir	25	ء
Najeebullah Computer Operator 14 1/4/1989 22/02/2013 22/02/2013 22/02/2013 21/02/2038 31/03/2045 Computer Mir Abbasi Senior Clerk 9 7/17/1966 10/9/1987 9/10/2000 9/9/2012 6/17/2026 7/17/2026 7/17/1966 1/17/1993 15/9/2003 3/12/2018 31/10/2026 7/17/2026 7/17/1993 15/9/2003 31/10/2020 11/10/2035 7/17/2035 7/		0 1	7/6/2032	14/11/2020	21/12/2010	15/11/1995	8/6/1972	, 9	Senior Clerk	Saeed Ahmad	24	
Najeebullab Computer Operator 14 1/4/1989 22/02/2013 22/02/2013 21/02/2038 31/03/2045 Computer Will Abbas Senior Clerk 9 7/17/1966 10/9/1981 9/40/2000 9/9/2012 6/17/2036 7/17/2	5. a	N	19/3/2033	21/1/2015	21/9/2010	22/1/1990	20/3/1973	9	Senior Clerk	Muhammad Iqbal	ĘŢ	
Najeebullab Commuter Operator 14 1/4/1989 22/02/2013 22/02/2013 21/02/2038 31/03/204S Commuter Mir Abbas Senior Clerk 9 7/17/1966 10/9/1981 9/40/2000 9/9/2012 6/17/2016 1/17/2016 1/17/1993 15/9/2003 3/12/2018 31/10/2016 1/11/1993 15/9/2003 3/12/2018 31/10/2016 1/11/1993 15/9/2003 3/12/2018 31/10/2016 1/11/1993 15/9/2003 3/12/2018 31/10/2016 1/11/1993 15/9/2003 3/12/2018 3/12/2018 1/11/1903 1/1		£	11/10/2035	31/10/2020	15/9/2003	1/11/1995	12/10/1975	. و	Senior Clerk	Sanaullah	22	
Najeebullab Computer Operator 14 1/4/1989 22/02/2013 22/02/2013 21/02/2038 31/03/2045 Mir Abbas Senicr Clerk 9 7/11/1966 10/9/1981 9/10/2000 9/9/2012 6/11/2016 ////////////////////////////////////		Esperil	31/10/2026	3/12/2018	15/9/2003	4/12/1993	1/11/1966	ĝ	Senio: Clerk	Samuuliah	7.1	
Najeebuliab Computer 14 1/4/1989 22/02/2013 22/02/2013 21/02/2038 31/03/204S		The state of the s	6/17/2026	9/9/2012	9/10/2000	1	7/1/1966	9	Senior Clerk	Mir Abbas	20	
			31/03/2049	21/02/2038	22/02/2013	22/02/2013	1/4/1989	14	Computer Operator	Najeebullab	iè.	

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	65	2	63	62	63	8	. 59	. ·	- 57	95	2	54	S 3	52	51	&	49	48 -	5	8	ځ.	2	43	-42	4
Abdul Bart Jan X	Umar Ayaz	Aslam Khan	Akhtar Munir	Waqas Khan	Tariq Hamayun	illau Din	Nawabali	Liagat Ahmad	אסויפניה גתפת	Hameedullah	Ahmad Jan	Fateh Muhammad	Muhammad Azeem	Abdul Ghani	Adnan yousaf	Tajdar Adil	thsanullah	Mumaz khan.	Tahir Shah	Gul Muhammad	Rafiullah	Asif Khan	Zahidullah	Amənullab	Matiullah
Chowkidar	Chowkidar	Chowkidar	Chowkidar	Naib Qasid	Naib Qasid	Naib Qasid	Naib Qasid	Naib Qasid	Sarb Qasid	Naib Qasid	Naib Qasid	Naib Qasid	Naib Qasid	Naib Qasid	Process Server	Process Server	Daftri	Daftri	-Balliff	Pesh Imam-	Junior Clerk				
2	2	2	2	1	. 2.	. 2	2	2	., 	2	2	2	2	2	w	3	4	4	4		7	7	7	7	7
1/1/1979	17/4/1968	13/4/1963	1/1/1961	9/10/1987	23/12/1987	20/3/1986	2/2/1982	12/3/1979	3/7/1971	11/3/1974	8/3/1972	14/1/1969	11/3/1962	13/1/1957	4/4/1983	14/9/1981	22/12/1978	5)5/1965	- 1/1/1973	15/08/1979	-10/4/1991	3/4/1991	15/3/1983	7/10/1981	16/3/1983
23/1/2004	26/2/2004	15/11/1995	14/9/1986	23/02/2013	26/11/2008	13/11/2006	8/4/2004	28/2/2004	21/11/1995	5,41,4568	26/9/1995	13/6/1987	6/2/1986	14/9/1986	26/2/2004	26/2/2004	26/1/2004	5/7/1982	19/11/1995	22/2/2013	22/02/2013	22/02/2013	27/02/2013	22/02/2013	26/2/2004
8/4/2004	26/2/2004	15/11/1995	14/9/1986	23/02/2013	26/11/2008	13/11/2006	9/4/2004	28/2/2004	21/11/1995	2/11/1995	26/9/1995	13/6/1987	6/2/1986	14/9/1986	26/2/2004	26/2/2004	18/4/2012	25/11/2011	30/1/2003	22/02/2013	22/02/2013	22/02/2013	22/07/2013	22/02/2013	<u>i</u> 8/a/2012
22/1/2029	25/2/2029	14/11/2020	13/9/2011	22/02/2938	25/11/2033	12/11/2031	7/4/2029	27/2/2029	20/11/2020	1/11/2020	25/9/2020	12/6/2012	5/2/2011	13/9/2011	25/2/2029	25/2/2029	Z.	A/7/2007	18/11/2020	21/02/2038	21/2/2038	21/2/2037	21/2/2035	21/2/2038	26/2/2029
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SENIORITY LIST OF THE ESTABLISHMENT OF SESSIONS COURT LAKKI MARAT AS STOOD ON 31/12/2009

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(Muhamlmad Yaqoob Khattak) District & Sessions Judge, Lakki Marwat

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THE STEE

(Muhammad Yaqoob Khattak)
District & Sessions Judge,

District & Scale Links

NORITY-LIST OF THE ESTABLISHMENT OF SESSIONS COURT LAKKI MARWAT AS STOOD ON 31/12/2006

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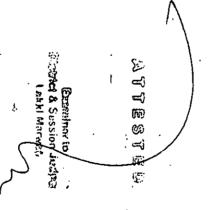
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(AMIR GUZKB KHÅN) District & Sessions Judge Lakki Marwac

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(AMIR GUL & KHAN)
District & Sessions Judge
Lakki Marwat

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Annex-E



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

(HYAWADA WAREH UD DEN)

Endst: No 296-301 /Admn:

Copy forwarded to: -

- 1. The Member Inspection Team, Peshawar High Court, Reshawar.
- 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

District & Sessions Judge 202

From:

District & Sessions Judge,

Lakki Marwat.

To,

The Registrar,

Peshawar High Court,

Peshawar.

No. 832 DSJ-Admn

Dated: 30 /07 /2020

E.mail. dsjłakki@yahoo.com

Annex-F

Subject:

PROMOTION AGAINST THE VACANT POST OF

SUPRINTENDENT (BPS-17)

Sir,

With reference your office letter No. 11361/PHC/HDJ/HRW/ADMIN dated: 13/07/2020 on the subject noted above, I have the honour to submit the detail reply of the following questions:

1. Whether the applicant was appointed in the Establishment of ATC was further re-appointed by transfer in the Establishment of D&SJ Lakki Marwat?

Reply of Q. No. 1

- (a) Mr. Tariq Saleem was got appointed in ATC Bannu vide order No.22/ATC Bannu and its Endst:No. 23-28/ATC on 09-04-2003 as Assistant/Reader (BPS-11-) Copy enclosed as Annexure "A".
- (b) Thereafter, on the written request of Mr. Tariq Saleem, he was transferred from ATC, Bannu and his services were placed at disposal of District & Session Judge, Lakki Marwat for posting as Assistant/Reader (BPS-11) against the newly created vacant post vide order Endst: No.4392-4396/Admn dated 21-04-2003 of the August Peshawar High Court, Peshawar. Copy enclosed as Annexure "B"
- (c) After the above facts, he was posted as Assistant/Reader in (BPS-11) in the Court of Additional District & Session Judge, Lakki Marwat against the newly created vacant post vide D&SJ, Lakki Marwat office order Endst: No. 236-38 dated 02/05/2003. Copy enclosed as Annexure "C".

Q. No. 2

Whether his services placed at the disposal of D&SJ, Lakki Marwat will be considered on deputation, if appointment by transfer was not made?

Reply Q. No. 2

Mr. Tariq Saleem made written request to the competent Authority to the effect that as Tariq Saleem is the permanent resident of District Lakki Marwat,

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therefore, he may kindly be transferred to his own native land i.e Lakki Marwat, on newly created vacant post of Assistant (BPS-1.1).

At that time, a newly created vacant post of Assistant (BPS-11) was existed for the Addl: Sessions Judge, Lakki Marwat. Upon request of Mr. Tariq Saleem the Competent Authority Peshawar High Court, Peshawar issued transferred order. Endst: No. 4392-4396/Admn dated: 21/04/2003 of Mr. Tariq Saleem with the following remarks:

"Transferred and services placed at the disposal of District & Sessions Judge, Lakki Marwat for posting as Assistant/Reader against, the vacant post (BPS-11)"

In light of afore-said transfer order, District & Sessions Judge, Lakki Marwat accepted his arrival report vide office order No.236-38 dated: 02/05/2003 and posted Mr. Tariq Saleem in the Court of Addl: Sessions Judge, Lakki Marwat against newly created post of Assistant (BPS-11). Copy attached

As such District & Sessions Judge, Lakki Marwat posted Mr. Tariq Saleem as Assistant/Reader (BPS-11) in the Court of Addl: Sessions Judge, Lakki Marwat against newly created post. Order Endst: No. 412-421 dated: 05/07/2003 Annexure "C".

The service of Mr. Tariq Saleem placed at the disposal of District & Sessions Judge, Lakki Marwat will not be considered on deputation for the reason that there is no mention of the word "Deputation" in the transfer order of Tariq Saleem and deputation is always made on higher scale/post and not in same scale and post. Other reasons are as under:

The term "Deputation" has not been defined anywhere in Act or Rule but as a matter of practice, it has been defined by the Supreme Court of Pakistan in its Judgment reported as 1997 PLC(C.S) 451, as "Deputationist is defined to be a Government servant who is appointed or transferred through the process of selection to a post in a department or service altogether different from the one to which he status so long as he holds the new post in a officiating or a temporary capacity but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post".

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In the light of definition of deputation rendered by the Supreme Court is its judgment referred above, the transfer order of Mr. Tariq Saleem will not be considered on deputation for the following reasons:

- a. The post or cadre of Mr. Tariq Saleem has not be changed by transfer.

 Mr. Tariq Saleem was appointed as Assistant (BPS11) in ATC Bannu
 and he has been transferred on the same post of Assistant in BPS-11in

 DSJ, Lakki Marwat.
- b. Mr. Tariq Saleem has not been given deputation allowance since his transferred in 2003 till date, as it is necessary to be given deputation allowance during his transfer period in light of the KPK Esta Code page No. 81-84.
- c. The maximum period of deputation is 03 years, whereas Mr. Tariq
 Saleem has been permanently transferred from ATC Bannu to District
 & Session Judge, Lakki Marwat.
- d. Deputation is always made from one department to another Department where there is lack of skills in relevant field in borrowing Department whereas in case of Mr. Tariq Saleem, both the Courts are under the Administrative control of one and the same Department i.e August Peshawar High Court, Peshawar. The notification dated: 26/01/2010, No. 21-J on page No. 245 of Judicial Esta Code (Revised & Enlarged 2011) further makes is clear that ATC Bannu is also under the Administrative control of August Peshawar High Court, Peshawar.

For the reasons stated above, it can safely be stated that service of Mr. Tariq Saleem at the disposal of DSJ Lakki Marwat will not be considered on deputation.

O. No. 3

Whether he can seek enlistment in the seniority list maintained for the officials of D&SJ, Lakki Marwat.

Reply of Q. 3

In the year 2003, Hon'ble Peshawar High Court Peshawar created newly post of Assistant (BPS-11) for ADJ Lakki Marwat. After request of Mr. Tariq Saleem, he has been transferred permanently on the afore-said post in the District & Sessions Judge, Lakki Marwat as such Mr. Tariq Saleem, is rightly included in

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the common seniority list of Assistant maintained for the officials of District & Sessions Judge, Lakki Marwat since 2005. (Common Seniority list of 2003 & 2004 was not made in the office of District & Sessions Judge, Lakki Marwat). The other officials, namely, Mr. Mir Abbas Khan and Amir Nasrullah were promoted to the post of Superintendent by Peshawar High Court, Peshawar from the same common seniority list of Assistants in which the name of Mr. Tariq Saleem was also included after Mr. Amir Nasrullah Ex-Superintendent being senior most among the Assistants.

The afore-said seniority list remained un-challenged for the about 15/16 years since 2003. In the year 2017, when the promotion of Superintendent was due and the common seniority list was sent to the Hon'ble Peshawar High Court Peshawar, in which Mr. Amir Nasrullah ex-Superintendent was on top of seniority list followed by Mr. Tariq Saleem at Sr. No. 2 of the afore-said common seniority list. Where after Peshawar High Court Peshawar approved the same common seniority list and issued promotion order of Mr. Amir Nasrullah dated: 17/04/2017. Copies of common seniority list for year 2005-2006 and 2017-2018 are attached herewith.

Parawise comments to the departmental appeal:

- 1. Para-1 of the departmental appeal is correct.
- 2. Para-2 of the departmental appeal is correct to the extent of placing the services of the Mr. Tariq Saleem at the disposal of District & Sessions Judge, Lakki Marwat.
- 3. Para-3 of the departmental appeal is correct.
- 4. Para-4 is wrong and incorrect. During the period of detailment, position of Mr. Tariq Saleem was not disturbed in the common seniority list for the reason that the said official was working in Peshawar District Courts on mere detailment basis, where as he has drawn his monthly pay from District Lakki Marwat on his own sanctioned post. During his detailment period his seniority list was maintained for official District & Sessions Judge, Lakki Marwat since 2005.
- 5. Para-5 is correct to the extent that applicants have moved similar application on 23-01-2017. In response to the afore-said application, Peshawar High Court, Peshawar called comments from District & Sessions

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Judge, Lakki Marwat on 25-02-2017. The then District & Sessions Judge, Lakki Marwat sent comments to the Registrar Peshawar High Court, Peshawar on 08-03-2017. Where after Peshawar High Court, Peshawar promoted official, namely, Amir Nasrullah as Superintendent on dated 17-04-2017. Where as Mr. Tariq Saleem was at Serial No. 2 of the afore-said common seniority list at that time in the year 2017. As such despite the similar application made by the applicants in 2017, the Peshawar High Court, Peshawar raised no objection to the common seniority list prepared since year 2005 in which Mr. Tariq Saleem was at serial No. 2 of seniority list (copy attached).

- 6. Para-6 of the departmental appeal is incorrect to the extent that Mr. Tariq Saleem has come from ATC Bannu to District & Sessions Judge, Lakki Marwat on deputation basis but his services have been placed at the disposal of District & Sessions Judge, Lakki Marwat on newly created vacant post by the order of Competent Authority Peshawar High Court, Peshawar. The name of Mr. Tariq Saleem Assistant BPS-16 in the common seniority list of Assistant maintained for the officials of District & Sessions Judge, Lakki Marwat is comming since 2005 and he was not included by himself. In the year 2017, the promotion of Superintendent was due and the common seniority list was sent to the Hon'ble Peshawar High Court Peshawar, in which Mr. Amir Nasrullah ex-Superintendent was on top of seniority list followed by Mr. Tariq Saleem at Serial No. 2 of the afore-said common seniority list. Where after Peshawar High Court, Peshawar approved the same common seniority list and issued promotion order of Mr. Amir Nasrullah dated: 17/04/2017.
- 7. Para-7 of the departmental appeal is correct.
- 8. Para-8 of the departmental appeal is wrong, incorrect and misleading one. ATC Bannu is also part and parcel of Judicial Justice system under the Administrative control of August Peshawar High Court, Peshawar ATC Bannu is not separate department or autonomous body but it is controlled by the Peshawar High Court, Peshawar and in this respect various provisions are also included in Judicial Esta Code-2011. Moreover, regarding detailment of Mr. Tariq Saleem detail answer has already been given in para No.4.



- 9. Para-9. No comments. As it is relating to actual records pertaining to the ATC Bannu.
- 10. Para-10 is mis-leading one. In the year 2003, all the appellants were working as Junior Clerks who have got their promotions from time to time according to their own seniority lists prepared at that time. Therefore, appellants have not been effected from the common seniority list of Assistants prepared since 2005, maintained for official of District & Sessions Judge, Lakki Marwat.

The detail reply of the questions and comments are submitted as directed as desired, please.

(Syed Zamrrud Shah)

Sessions Judge,

Lakki Marwat

Annex-G

No 048 /Judge/A.T.C	Dated Bannu the 2.7/01/202	.1
No		

From:

Special Judge,

Anti-Terrorism Court,

Bannu Division.

To

Registrar,

Peshawar High Court,

PESHAWAR

Subject:

PRESENTATION/ DEPARTMENTAL APPEAL AGAINST ORDER BEARING ENDST: 296-301/ADMN DATED 08-01-2021.

Dear Sir,

Enclosed please find herewith, through proper

channel representation / Departmental appeal of Mr Tariq Saleem

Assistant of this court is forwarded for further necessary action

please.

Your's Sincerely.

ATTESTED

Examiner Anti-Terrosim Court

(Babar Ali Khan)

Special Judge, Anti-Terrorism Court, Bannu Division/North Waziristan

Anti-Terrorism Court Bannu

Division Bannu

The Hon'ble Registrar. Peshawar High Court, Peshawar.

Subject.

APPEAL AGAINST DEPARTMENTAL REPRESENTATION 296-301/ADMIN Hon'ble PESHAWAR HIGH COURT, PESHA

Through Proper Channel

Respected Sir.

The applicant humbly requests as under:-

- 1. That the applicant is the permanent resident of District Lakki Marwat.
- 2. That applicant was appointed as Assistant / Reader (BPS-11) vide order No. 22/ATC Bannu, Endst: No. 23-28/ATC on 09.04.2003 in Anti Terrorism Court Bannu in pursuance of advertisement. Copy of appointment order of applicant is attached as Annexur - A.
 - 3. That on 21.04.2003, applicant was transferred by Peshawar High Court, Peshawar vide Endst: No. 4392-4396/Admin dated 21.04.2003 from ATC Bannu to District Judiciary Lakki Marwat and posted as Assistant / Reader (BPS - 11) against newly created vacant post of Assistant. Copy of transfer order dated 21.04.2003 is attached as Annexure - B.

ATTESTED

Examiner Anti-Terrosim Court

That in light of the alore-said transfer order, the applicant submitted his arrival report which is duly accepted by the District and Sessions Judge Lakki Marwati vide office order No. 236-38 dated 02.05.2003 and applicant was posted as Assistant in Court of Additional Sessions Judge Lakki Marwat against newly created post of Assistant. Copy of order No. 236-38 dated 02.05.2003 is attached as Annexure - C.

- 5. That since transfer of the applicant on 21.04.2003, the applicant was permanently receiving salary from District Judiciary Lakki Marwat against the newly created post of Assistant. Similarly the Seniority of the applicant is also maintained in the District Judiciary Lakki Marwat since 2003 till new. Copies of seniority lists of applicant are attached as Annexure - D.
 - 6. That from the afore-said facts and grounds realities, it is clear that applicant is permanently absorbed in the District Judiciary Lakki Marwat and applicant is no more employee of ATC Bannu for the reason that applicant has spent 17 long

years of his service in District Judiciary Lakki Marwat and has drawn his salaries and given seniority on yearly basis from District Judiciary Lakki Marwat.

- That at the same time, the ATC Bannu has not maintained the seniority position. of applicant in ATC Bannu and the employee namely Umar Ayaz who was Assistant in 2003 and Junior to the applicant at that time. Recently the afore-said Umar Ayaz Assistant was given promotion to the post of Superintendent in ATC Bannu. Meaning thereby that applicant was no more employee of ATC Bannu and permanently absorbed in the District Judiciary Lakki Marwat. Copy of appointment order of Umar Ayaz Assistant is already attached as Annexure - A.
 - 8. That after transfer of the applicant from ATC Bannu to District Judiciary Eakki Marwat, common seniority list of Assistants was maintained for the officials of District and Sessions Judge Lakki Marwat since 2005 in which applicant was also included. The other official namely Amir Nasrullah was promoted to the post of Superintendent by Peshawar High Court Peshawar on dated 17.04.2017 from the same common seniority list of Assistants in which the name of applicant was also included and was at Serial No. 2. Copy of seniority list is attached as Annexure -

ATTESTED

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9. That the afore-said seniority of applicant remained unchallenged for about 16/17 years since 2003 and applicant has spent 17 long years of his service in District Judiciary Lakki Marwat and being entitled to promotion to the post of Examiner Anti-Terrosim CourtSuperintendent. Now at this stage the impugned order dated 08.01 2021 has materially affected valuable rights of the applicant.

10. That applicant is the senior most employee amongst Assistants in District Judiciary Lakki Marwat and is entitled for promotion, therefore, keeping in view the valuable rights of applicant, it is humbly requested that proceedings of Departmental Promotion Committee for the post of Superintendent may not be conducted till final decision of instant representation.

It is therefore, humbly requested that impugned office order 296-301 Admin, dated 08.01.2021 may very graciously be set aside and applicant may kindly be given valuable rights in District Judiciary Lakki Marwat.

Applicant,

Assistant, ATC Bannu.

وكالت لامه

يو كواكم مسروس شريبونل لينا و اه۲۰عناب رسیلر منط بنام رصور ار لیساور مال 19/05/200/31 ماعت تحريرة نكه

تقدمه مندرجه بالاعنوان بالامين اپن طرم صب واسط پيروي د جواب د بي وكل كاروائي متعلقه ان مقام م**ركر حرم ك**يك كم خان صناحيل المرحمة وركة الرادكياجاتا بكر صاحب موصوف كومقدمه كى كارواكى كاكال اختيار ، وگا- نیز وکیل صاحب کوراضی نامه تقرر ثالث و فیصله پر حلف دینے جوابد ہی اور اقبال دعویٰ اور بصورت وگری کرائے اجراءاور وصولی چیک، روپیهاورعرضی اور درخواست ہرقتم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت ڈگری کرانے اجراءً اور وصولی چیک ،روپیداورعرضی اور درخواست برقتم کی تصدیق زراس پروسخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا پیل کی برآ مدگی اورمنسوخی دائر کرنے اپیل نگرانی ونظر ثانی و بیروی کرنے کا اختیار ہو گا اور بصورت سنر ورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطيكسي ادروكيل يامختيار قانوني كواييخ بممراه ماكوني اييز بجائے تقرر كا ختيار ہوگا اورصاحب مقررشده كوبھي وہي جمله مذكور بالا اختيارات حا صل ہوں گے اوراس کا ساختہ و پر داختہ بھی منظور قبول ہوگا۔اور دوران مقدمہ میں جوخر جہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔اس کے ستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا وخرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔اگرکوئی کوئی تاریخ بیشی مقام دورہ پر ہو پاشیش سے باہرتو وکیل صاحب یابند نہ ہوں گے کہ پیروی مقدمہ مذکور کریں۔ نیز اگر کسی بھی وجہ مثلاً بیاری ،معذوری ،علالت وغیرہ کی وجہ سے عارضی یا متعقبل بیروی مقدمه نه کرسکیس تو بھی وکیل صاحب یااس کے لواحقین کو بقایا فیس (اگر کوئی ہے) اداکر نے کا/کے یابند ہو تگے اور ادا شده فیس کی دابسی کا تقاضه کرنے کاحق نہیں ہوگا۔مضمون وکالت نامہ من اور سمجھ کروکالت نامہ کھ دیا تا کہ سندر ہے۔

Accepted

گواه شد ه

SHAHIN SALEEM KHAN MINA KHEL ADVOCATE HIGH COURT



KHYBER PAKHTUNKHWA BAR COUNCIL

SHAHID SALFEM

bc-10-8068 Date of issue: March 2020 Valid upto:

March 2023



Mob#0336-5624565 Mab # 0311-9266889

0311-852

وكالت نامه

بعدات خيبر مختو كو الم مهروس مربي بلونل ليتا ور موري الاهدار 19/05/ المارق المربي بنام رحمل منطا مرائي المثناور بالي المتناور بالي المتناور بالي المتناور بالي المتناور بالي المتناور بالي المناور بالي

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SHAHID SALEEM KHAN MINA KHEL ADVOCATE HIGH COURT

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KHYBER PAKHTUNKHWA BAR COUNCIL

SHAHID SALEEM

Advocate bc-10-8068 Date of issue

Date of issue; March 2020 Valid upto: March 2023

Secretary. KP Bar Council



:

Mab# 0316-5624565

0311-852

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AUTHORITY LETTER.

I hereby authorised Mr Umer Ayaz Khan Superintendent (BPS-17) cell NO: 0334 9302532 of this court to attend the Hon`ble Services Tribunal Khyber Pakhtoon Khwa Peshawar in connection with Appeal NO:5200 / of 2021, on each and every date.

Judge, Anti-Terrorism Court,

Bannu Division.

JUDGE Anti-Terrorism Court Bannu Division Bannu

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@Yahoo.com

10年本本学

No	/DSJ/B&A		Dated	/2021
		•	•	

OFFICE ORDER

In pursuance to the instructions contained in letter No.10683-84/Admn, dated 14/07/2021 issued by the Hon,ble Peshawar High Court, Peshawar, Mr.Taj Muhammad, Accountant (BPS-16) of this office is hereby deputed to attend the learned Service Tribunal, Peshawar on 16/07/2021 and all subsequent dates in the following appeal:

Service Appeal No. 5200/2021.

Titled.

Tariq Saleem

--- V.s ---

- 1. The Registrar, Peshawar High Court, Peshawar
- 2. The District & Sessions Judge, Lakki Marwat
- 3. Special Judge Anti-Terrorism Court, Bannu.

(IJAZ SHAH)

District & Sessions Judge, Lakki Marwat

Endst No: 2279 - 81 /DSJ/L.M,

Dated Lakki 15/07/2021.

Copy forwarded to

- 1. The Registrar Peshawar High Court Peshawar with reference to his letter as mentioned above for information please.
- 2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information.
- 3. Mr.Taj Muhammad, Accountant of this office for compliance.

District & Sessions Judge,

Lakki Marwat.

Lakki Marwat

Enkl Marvat

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat
Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@Yahoo.com

No______/DSJ/B&A

Dated 15/67 /2021

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- 3. Special Judge Anti-Terrorism Court, Bannu.

(IJAZ SHAH)

District & Sessions Judge,

O Lakki Marwat.

Endst No: 2279-81 /DSJ/L.M,

Dated Lakki 15/07/2021.

Copy forwarded to

1. The Registrar Peshawar High Court Peshawar with reference to his letter as mentioned above for information please.

2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information.

3. Mr.Taj Muhammad, Accountant of this office for compliance.

Districtl & Sessions Judge,

M. Lakki Marwat.

Office of the District & Sessions Judge, Lakki Marwat

FORM

(Application for Casual leave up to 4 days by (Staff))

Name of Officer/C	Official		i aj iviunamma	<u> </u>	
Designation with place of posting Leave sought for*		Accountant to District & Sessions Judge Station Leave			
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B. PESHAWAR.

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	Taxia Saloem Appellant/Petitioner
) asser	the Registras Poshawas High court Respondent
Cogl	A Parameter No.
~	Notice to: _ the Distriand Sossions Judge Lakki Marnat.
	Lakki Marwat
	WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the patitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on
á Ł	Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.
	Copy of appeal is attached. Copy of appeal has already been sent to you vide this
ď	office Notice Nodated
	Given under my hand and the seal of this Court, at Peshawar this.
	Day of
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پر دی آهم	Registrar,

1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holldays.

7Khyber Pakhtunkhwa Service Tribunal,



The : PESHAWAR HIGH COURT Peshawar:

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

Off: 9210135

Exch:: 9210149-58

9210170 Fax: w.peshawarhighcourt.gov.pk

info@peshawarhighcourt.gov.pk phopsn@gmail.com

Most Immediate.

No/Admn.

Dated...../2021

Anti-Terrorism Court Bank Division Battriu

To,

- Special Judge Anti-Terrorism Court, Bannu.
- 2. The District & Sessions Judge, Lakki Marwat.

Subject:

Service Appeals No. 5200/2021.

Tariq Saleem

The Registrar, PHC and others. ٧c

I am directed to refer to the subject noted above and to enclose herewith Sir, copy of the notice received from learned Registrar, Khyber Pakhtunkhwa Service

Tribunal, Peshawar and to ask you to submit joint para-wise draft comments for vetting in above Service Appeals in compliance with directions of the Hon'ble Service

Tribunal KPK, Peshawar.

 Draft comments should be Para wise addressing issue in each of the Para separately (Facts & Grounds).

Draft comments should be supported by the relevant documents. Your attention is also invited to the instructions circulated vide this office letter no. 18707-51/admn: dated 07.09.2019 under subject of "Streamlining litigation procedure" (copy enclosed), for compliance in letter and spirit and to

nominate a competent officer not below the rank of BPS-17, well conversant with the facts of the case to pursue and to appear on each date of hearing before the Hon'ble Tribunal in the case on behalf of the worthy Registrar of this Court (Respondent No.1) as well. The name and cell number of the officer so nominated be conveyed to this

office.

Needful be done at earliest, please.

Yours Sincerely,

ADDITIONAL REGISTRAR (ADMN) FOR REGISTRAR

Endst: No<u>. 10685</u>

Dated Peshawar 19 107 1202

Copy forwarded to learned Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar, for information.

ADDITIONAL REGI

.info@peshawarhighcourt.gov.pk



The PESHAWAR HIGH COURT Peshawar

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

Exch: Off: Fax:

9210135 9210170

9210149-58

v.peshawarhighcourt.gov.pk Info@peshawarhighcourt.gov.pk phopsh@gmail.com

No._18707-51 _/Admn: Dated Pesh the _07 / .09 /2019

To:

All the District & Sessions Judges/ZQs in the Khyber Pakhtunkhwa. 1.

All the Ex-Cadre Judicial Officers in the Khyber Pakhtunkhwa. 2.

Subject:

STREAMLINING LITIGATION PROCEDURE.

Dear Sir/Madam,

I am directed to forward herewith copy of letter No. PHC/Streamlining Litigation Procedure dated 03.09.2019, on the subject, submitted by Mr. Khaled Rehman Advocate, Counsel of this Court, with the remarks to follow the instructions contained therein in letter and spirit, please.

(KHAWA REGISTRAB

Endst: No. 187052 /Admn:

Dated Pesh the _07 / _09 /2019

Copy forwarded to Mr. Khalled Rehman Advocate, Rehman Law Chamber, 4-B

Haroon Mansion, Khyber Bazar, Peshawar.

REGISTRAB

REHMAN LAW CHAMBER

Khaled Rehman

Supreme Court of Pakistan

4-B, Haroon Mansion Khyber Bazar, Peshawar Cell # 0345-9337313 Tel: 091-2592458

Tel: 091-2592458
Email:thaledrahman.advocate/agmail.co

Ref. No. PHC/Streamlining Litigation Procedure

Dated: 03.09.2019

Τo

The Worthy Registrar,

Peshawar High Court, Peshawar

Subject:

Streamlining Litigation Procedure

Respected Sir,

A bulk of Service Appeals, Writ Petitions are pending in the Khyber Pakhtunkhwa Service Tribunal as well as High Court at Principal seat as well as other Benches. In all the cases pending in such Tribunal and in many cases in the High Court, besides Registrar, the Hon'ble Judges of Subordinate Judiciary are often in the array of Respondents being Competent/appellate Authorities whose orders are under challenge in the Tribunal/Court. It has been observed, that whenever, comments/reply are/is called for from the Respondents, the Hon'ble Judges of Subordinate Courts instead of joint comments/reply submit the same individually without even bringing the matter into the notice of the Office of the Registrar or properly getting the same vetted. This more often than not, results in non-reconciliatory responses from the Respondents difficult to be handled on the one hand and results in unnecessary delays in submission thereof on the other. Moreover, the cases are not then properly pursued in the Tribunal/Court causing further complications for the Office of Registrar as well as Tribunal/Court.

It would, therefore, be highly in the fitness of things if the following instructions are circulated amongst all Hon'ble Courts of Subordinate Judiciary for streamlining litigation;

- i) Whenever a notice or summon is received, the concerned Hon'ble Judge whose order/action has been called in question should immediately nominate/authorize in writing an efficient and responsible officer/official well-conversant with the facts of the case for the purpose of pursuing the case.
- ii) The officer/official so nominated should immediately obtain copy of the brief from the concerned Tribunal/Court and prepare reply/comments in annotated form in consultation with the Hon'ble Judge/Competent Authority supported by relevant documents and also to prepare a separate case history.
- The officer/official should well before the scheduled date, bring the comments/reply to the office of the Registrar for proper vetting and after finalization thereof get the same signed from all the Respondents.
- The comments/reply should be submitted under the affidavit of the Registrar Peshawar High Court within the requisite time given by the Tribunal/Court or if the Registrar is not Party, under the affidavit of an officer authorized by the Hon'ble Judge/Competent Authority in this behalf.
- v) The officer/official should prepare three sets of the brief including filed reply/parawise comments and should retain one copy himself and provide two copies thereof in the office of the Registrar alongwith his contact number for

EHMAN LAW CHAMBER

Khaled Rehman Advocate Supreme Court of Pakistan

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

contacting him if need arises.

- The officer/official should attend on each hearing alongwith his own brief for vi) assistance in the Tribunal/Court and record the progress of the case as well as next date of hearing and communicating the same to the office of the Registrar as well as Hon'ble Judge/Competent Authority.
- When a case is decided by the Tribunal/Court, the officer/official should on the vii) same day apply for attested copy of the Judgment without fail to retain period of limitation in case appeal/CPLA is then advised and get attested copy of the judgment immediately the same is prepared for delivery and provide the same in the office of the Registrar.
- If the case is then approved for appeal/CPLA before the apex Court, the viii) officer/official should inform the Hon'ble Judge/Competent Authority in this behalf and follow further instructions issued to him for pursuing the case before the apex Court.

Khaled Rahman

Regard

Advocate

4P2

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, 8.12 PESHAWAR.

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Khyber Pakhtunkhwa Service Tribunal,

Peshawar.

2. Alterna quote Casa No. While making any someone and

BANNU COURT JUDGE OF THE

/Judge A.T.C

Dated Bannu the--15--/07/2021.

PH# 0928.9270200 FAX# 0928.662111 Email#antiterrorismcourt bannu@gmail.com.

From

Judge.

Anti-Terrorism Court,

Bannu Division.

To

The Addl Registrar, (ADMIN)

Peshawar High Court,

Peshawar.

Subject

SERVICE APPEALS NO 5200/2021.

Tariq saleem Vs The Registrar PHC and others.

Dear Sir.

With reference to your good self letter NO 10685/ADMIN Peshawar the 14.07. 2021, on the subject noted above and to say that Mr. Umer Ayaz khan, Superintendent BPS 17,cell No 0334.9302532 is here by nominated to persue the above case and to appear before the Hon'ble tribunal on each and every date of hearing on behalf of the respondent No 1 & 2.

It is further submitted that due to shortage of time comments/reply of the appeal can not be drafted and adjournment application is being filed before the Hon 'ble tribunal. Before the next date the reply/ comments will be prepared and sent to your good self...

Your's Sincerely,

(Aurangzeb Khattak) Judge, Anti-Terrorism Court,

Bannu Division.

MINGE

Anti-Terrorism Carat Banny Division Bernu

BEFORE THE HONERABLE SERVICES TRIBUNAL KPK PESHAWAR.

Taria Saleem	Appellant/Petitione
rand parcent	Appenant Femione
	Versus

The Registrar Peshawar High Court Peshawar.....Respondent
(Service Appeal No.5200 of 2021)

Subject:

REQUEST FOR ADJOURNMENT.

Respected Sir,

Respectfully, it is submitted that the above captioned appeal is pending before this Honorable Tribunal, the copy of service appeal and the other relevant document received on 12-07-2021 by the respondent No.2 where as the date is fixed for today for the reply/ comments, but due to shortage of time respondent No.2 has not prepared /drafted the reply/comments.

So it is, therefore requested that the case may kindly be adjourned to prepare proper reply and comments.

Yours Sincerely,

Judge, Anti TerrorismCourt

Bannu, Division.
JUDGE
Anti-Terrorism Court Bannu
Division Bannu

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@Yahoo.com

No	19	/DSJ/L.M

Dated:

17. /01/2022

To

The Registrar,

Khyber Pakhtunkhwa Service Tribunal,

Peshawar.

Subject:

SERVICE APPEAL NO.5200/2021.

"Tariq Saleem ... Vs... The Registrar, PHC, Peshawar etc,

Sir,

With reference to the Hon'ble Peshawar High Court, Peshawar letter bearing No.10/Admn dated 04-01-2022 on the subject noted above, I have the honour to submit the requisite para-wise comments duly signed by all the three 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 is already fixed for 24-01-2022.

Yours Faithfully

(IJAZ RASHID)

District & Sessions Judge,

District & Sessions Judge,

Respondent No.03)

Endst: No. 192-93/DSJ/L.M

Dated Lakki the 17/01/2022.

Copy forwarded to:

1. The Registrar, Hon'ble Peshawar High Court, Peshawar/ Respondent No. 01, for information, please.

2. The Judge, Anti-Terrorism Court, Bannu Division with reference to his letter bearing No. 20/Judge/ATC dated 17-01-2022 for information please.

District & Sessions Judge, Lakki Marwat.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.5200/2021.

INDEX

S.#	Description of Documents	Date*	Annex:	Pages
1.	Reply alongwith Counter Affidavit			1-6
2.	Letter of DSJ, Lakki Marwat	13.07.2020	1	7
3.	Detailment order	18.11.2005	2	8

Respondent No. 1

Registral

Peshawar High Court,

Peshawar.

Dated: 17 /12/2021.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.5200/2021.

Tariq Saleem Appellant
Versus
The Registrar PHC etc
COMMENTS/ REPLY ON BEHALF OF RESPONDENT No.1-3.

Respectfully Sheweth,

Preliminary Objection:-

- 1. The appellant has neither cause of action nor locus standi to file the instant appeal hence the same being outright untenable is liable to be dismissed.
- 2. That the appellant has been guilty of concealment of material facts, hence the appeal in hand cannot further be proceeded.
- 3. That the appeal is hit by the doctrine of estoppel, the appellant willingly chose to be posted out of his own cadre and therefore, relinquished his rights during the period of his ex-cadre posting.
- 4. That appeal in hand is also incompetent on account of non-joinder of necessary parties who are likely to be affected in case the prayer of the appellant is granted.
- 5. That the appeal is barred by law of limitation.



ON FACTS.

1&2. Need no reply.

3. Correct to the extent that the appellant had moved application (Annexure B-2 Page 11 of the appeal) to Respondent No.01 for his transfer from Anti-Terrorism Court District Bannu to District Courts Lakki Marwat against vacant post on the ground that he had blood-feud enmity in Lakki Marwat. Respondent No.01 in response accepted his request and resultantly he was transferred to District Lakki Marwat with following remarks vide order dated 21.04.2003 (Annexure B-1 Page 10 of the appeal):-

"Transferred and services placed at the disposal of District & Sessions Judge, Lakki Marwat for posting as Assistant/Reader against the vacant post (BPS-11)."

Rest of the Para is denied for a reason that the aforesaid order passed by Respondent No.1 is totally silent regarding the permanent absorption of appellant in District Courts, Lakki Marwat.

- 4. Correct to the extent that upon submission of arrival report of appellant to the District & Session Judge, Lakki Marwat, he was posted/adjusted as Assistant/ Reader (BPS-11) in the Court of Additional District & Sessions Judge, Lakki Marwat vide office order dated 02.05.2003 & 05.07.2003 (Annexure C-1 & C-2 Page 12 & 13 of the appeal). Rest of the Para is denied. Similarly, the application moved by appellant for his transfer to District Lakki Marwat is also silent regarding his request of permanent absorption in District Courts, Lakki Marwat.
- 5. Correct to the extent that the appellant was transferred from ATC, Bannu to District & Sessions Courts, Lakki Marwat and he was drawing his monthly salary from the office of the District & Sessions Judge, Lakki Marwat and his name was also included in the seniority lists w.e.f. 2005 to 2020. Rest of the Para regarding his permanent absorption is denied.
- 6. Pertains to record. When the appellant was transferred to District & Sessions Courts, Lakki Marwat, he was no more employee of Respondent No.2. Moreover, Mr. Umer Ayaz Khan being most senior Office Assistant



in the Anti-Terrorism Courts, Bannu was promoted by the competent authority, on merit and in accordance with law after following all the codal formalities vide order dated 28.09.2013 issued by Respondent No.1.

- 7. Correct to the extent that appellant served for about 17 years and Respondent No.1 has lawfully and legally withdrawn earlier office order dated 21.04.2003 by issuing fresh order dated 08.01.2021 vide which the appellant was transferred back to his original establishment i.e. ATC, Bannu (Attached as annexure "E" at page 42 of the appeal).
- 8. Correct to the extent that Respondent No.1 on complaint/grievances of employees of District Judiciary, Lakki Marwat asked the Respondent No.3 for Para-wise detailed comments vide letter No. dated 13.07.2020 (Annex:-Reply/1). In response, Respondent No.3 filed detailed and exhaustive comments vide letter dated 30.07.2020 (Annex-F of the appeal at page No. 43), where-after, Respondent No.1 issued office order dated 08.01.2021 vide which appellant was sent back to his parent department i.e ATC, Bannu.
- 9. Correct to the extent that the name of the appellant was although placed on top of Seniority List of Assistants, however, it does not make any difference when his earlier order of transfer from ATC, Bannu to District Courts, Lakki Marwat was withdrawn by the Competent Authority.
- 10. Correct to the extent that the appellant made departmental appeal but the same has been declined/rejected.
- 11&12. Need no reply.

PARA-WISE REPLY ON GROUNDS: -

- A. Incorrect hence outright denied. The matter/case of appellant was properly dealt with in accordance with law and rules.
- B. Denied to the extent the Paralegal Staff of Anti-Terrorism Court is not under the direct Administrative Control of Peshawar High Court, Peshawar rather the same is under the control of the Provincial Government whereas



the Peshawar High Court, Peshawar has only control over recruitment process along with budgetary matters even then it does not mean that the Paralegal staff of Anti-Terrorism Courts may join the District Judiciary as employee. Rest of the Para is denied.

- C. As already explained hereinabove.
- D. Not admitted. Appellant cannot sail in two Boats at one and the same time. On one hand appellant is of the contention that the Respondent No.1 is Competent Authority of making order of his transfer from Anti-Terrorism Courts, Bannu to District Courts, Lakki Marwat while on the other he is of the contention that the Respondent No.1 order dated 08.01.2021 whereby he was sent back to his parent department i.e. Anti-Terrorism Court, Bannu is nullity in the eye of law.
- E. Needs no reply.
- F. Correct to the extent that the earlier order dated 21.04.2003 by Respondent No.1 does not speak about the word "Deputation or Detailment." Likewise, the said order also does not speak about his permanent absorption in the District Courts, Lakki Marwat. Explanation given by the appellant in Ground-F of the subject appeal regarding permanent absorption/adjustment in District Courts, Lakki Marwat is his own interpretation.

G&H. Need no reply.

- I. Needs no reply. Needless to observe that when Respondent No.1 withdrew his earlier order dated 21.04.2003 by issuing fresh order dated 08.01.2021 then there exists no question of his promotion to the post of Superintendent.
- J. Denied. The appellant has not been deprived from his service rather he was sent back to his parent Department i.e. Anti-Terrorism Court, Bannu and is still working there.
- K. Needs no reply.



Partially correct to the extent that the appellant was transferred from ATC, L. Bannu to District Courts, Lakki Marwat and his name was also enlisted in seniority list maintained since 2005 instead of 2004 for promotion to the post of Superintendent. It would not be out of place to state here that the appellant soon after his transfer from ATC, Bannu to District Courts, Lakki Marwat went to District Courts, Peshawar on detailment and remained there approximately for 07 years. Rest of the Para is denied.

(Copy of detailment order of appellant Annex:-Reply/2)

- M. Partially correct to the extent that the name of appellant was blinking at the top in the seniority list for the promotion to the post of Superintendent (BPS-17), however, he was transferred back to his original parent Department i.e. ATC, Bannu by the Hon'ble Peshawar High Court, Peshawar vide order dated 08.01.2021. Rest of the Para is denied.
- N. Vehemently denied as no fundamental rights of appellant whatsoever have been infringed rather he was sent back to his parent Department i.e. Anti-Terrorism Court, Bannu.
- O. Needs no comments.

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

Respondent No.1

Peshawar High Court,

Peshawar

Respondent No.02

Respondent No.03

Special Judge. Anti Terrorism Court, Bannu.

District & Sessions Judge, Lakki Marwat.

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5200/2021.

Tariq Saleem	***************************************	Appellant
,	Versus	
The Registrar PHC etc.	***************************************	Respondents

COUNTER AFFIDAVIT

I, <u>Taj Muhammad</u>, Accountant Sessions Court, <u>Lakki Marwat</u> do hereby affirm and declare on oath that the contents of this Reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

Deponent



ThePESHAWAR HIGH COURT Peshawar

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

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Exch: Off:

Fax: www.peshawarhighcourt.gov.pk Info@peshawarhighcourt.gov.pk

ATTENDED TO THE STATE OF THE ST

/PHC/SDJ/HRW/ADMIN

Dated Pesh the $\frac{13}{7}$ /2020

To,

The District & Sessions Judge, Lakki Marwat.

Subject:

PROMOTION AGAINST THE VACANT POST OF SUPERINTENDENT

(BPS-17)

Dear Sir,

I am directed to refer to your office letter No. 1075/DSJ/LK/Admn, dated: 16.5.2020 on the subject noted above and to say that the competent authority has been pleased to direct you to submit detail reply of the following questions:

- Whether the applicant was appointed in the establishment of ATC was further I. reappointed by transfer in the establishment of D&SJ Lakki Marwat?
- Whether his services placed at the disposal of D&SJ Lakki Marwat will be II. considered on deputation, if appointment by transfer was not made.
- Whether he can seek enlistment in the seniority list maintained for the officials IH. of D&SJ, Lakki Marwat.

I am further directed to enclose herewith copy of departmental appeal/grievance of the district judiciary, for your Parawise comments and also apprise this Court that whether the seniority list submitted to this Court is in accordance with the law 8 procedure

Sincerely Yours,

FOR REGISTRAR



ORDER

Dated Peshawar, the 18th November, 2005

Hon'ble the Chief Justice of this Court has been pleased to order the detailment of Mr. Tariq Saleem, Assistant of the Establishment of District & Sessions Judge, Lakki to the Establishment of District & Sessions Judge, Peshawar, with immediate effect.

BY ORDER OF THE CHIEF JUSTICE

(MUHAMMA	D SI	HER	SHAH
REG			

/02/8-10223. Endst: No.______/Admn. Dated Peshawar, the 18-11-12005.

Copy forwarded to:-

- 1. The District and Sessions Judge, Lakki Marwat.
- 2. The District & Sessions Judge, Peshawar.
- 3. The Accountant General N-WFP, Peshawar.
- 4. The District Accounts Officer, Lakki. Marwat.
- The official concerned by name.

(MUHAMMAD SHER SHAH)

Geer Ld.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR.

Appeal No. 5200 /2021

Putup to the Worthy chair-on Taria Saleem With valouant appears.

VS.

Registrar Peshawar High Court & others.

9/6/2021

Subject: Application for Early hearing of above mention appeal before honorable Tribunal.

Respectfully Sheweth:

Ax before SD of worthy Hew in last week of Thus, 202

- 1. That above mentioned appeal is pending before this honorable Tribunal which is fixed for first hearing on 06-09-2021.
- 2. That in the above mentioned appeal urgency is involved as the respondents are going to conduct Departmental Promotion Committee for promotion of Assistants in District Court Lakki Marwat and appellant is on top of seniority list.
- That if junior assistant to appellant is promoted to the post of superintendent in District Court Lakki Marwat then irreparable loss will accrue to the Appellant.
- 4. That due to afore-said reason the instant appeal is required to be fixed as early as possible. The appellant has already moved stay application with the instant appeal.

It is therefore most humbly requested that on acceptance of instant application, the above mention appeal may kindly be fixed before honorable Tribunal as early as possible.

...Appellant...

09/06/2021

Shahid Saleem Mina Khel Advocate High Court. BER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

ORETHE

/5200/2021

Service A

Tariq Saleem

 $\cdot VS$

Registrar Peshawar High Court, Peshawar and others

INDEX.

INDEA.		
Description of Documents.	Annexure	Page.
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Dated: 1/65 2022

Appellant
Through Counsel,

ShahidSaleem Mina Khel, Advocates High Court.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5200 / 2021

Tariq Saleem

VS

Registrar Peshawar High Court, Peshawar and others

REJOINDER ON BEHALF OF APPELLANT TO THE COMMENTS FILED BY THE RESPONDENTS.

REJOINDER TO PRELIMINARY OBJECTIONS

- 1. That Para No 1 is wrong and incorrect. The appellant has got cause of action.
- 2. That Para No 2 is wrong, incorrect and misleading one.
- 3. That Para No 3 is wrong and incorrect.
- 4. That Para No 4 is wrong and incorrect.
- 5. That Para No 5 is wrong and incorrect.

REJOINDER TO FACTS:

- 1. No reply.
- 2. No reply.
- 3. That Para No 3 has been admitted as correct by the respondents. The rest of Para is wrong and incorrect.
- 4. That Para No 4 has been admitted as correct by the respondents. The rest of Para is wrong and incorrect.
- 5. That Para No 5 is admitted as correct by the respondents. Thus respondents have admitted the service benefits and rights of appellant in District Courts Lakki Marwat.
- 6. That in Para No. 6, the respondents have admitted the fact that after transfer of appellant from Anti Terrorism Court Bannu to District Courts Lakki Marwat, the appellant become no more employee of the respondent No 2 i.e. Special Judge Anti Terrorism Court Bannu. The respondents have also admitted the fact that after transfer from Anti Terrorism Court Bannu to District Courts Lakki Marwat, the appellant was drawing his monthly salary from the Office of the District &

Shid

Sessions Judge Lakki Marwat and appellant's name was also included and maintained in the seniority list w.e.f. 2005 to 2020 and the appellant was given service benefits including seniority in District Courts Lakki Marwat. All the afore mentioned facts clearly shows that appellant was transferred from Anti Terrorism Court Bannu in the year 2003 and permanently adjusted in District Court Lakki Marwat and that after transfer of appellant from Anti Terrorism Court Bannu to District Courts Lakki Marwat, the appellant become no more employee of Anti Terrorism Court Bannu. This is the reason that one Junior Assistant / Reader to appellant who was at Serial No 3 in joint initial appointment order of Assistants dated 09.04.2003, was given promotion to the post of Superintendent in year 2013. Secondly the post of Assistant / Reader in ATC Bannu which was left vacant due to transfer of appellant from Anti Terrorism Court Bannu, was filled up by the Peshawar High Court Peshawar by advertising the same and one Laiq Zaman was appointed upon the afore mentioned post of Assistant / Reader. Copies of advertisement, Minutes of meeting and appointment order of Laiq Zaman are attached as **Annexure – A.**

The respondents are estopped by their own conduct by admitting the fact that appellant was no more employee of Anti Terrorism Court after transfer from Anti Terrorism Court Bannu to District Court Lakki Marwat, now after about 17/18 years long service in District Courts Lakki Marwat, the appellant becomes top on seniority list and is entitled for promotion to the post of Superintendent. Now the respondents cannot deprive the appellant from service benefits of about 17/18 years service and his promotion rights in District Court Lakki Marwat. The impugned order dated 08/01/2021 is made with malafide intention in order to give undue favour to the blue eyed person in the seniority list for promotion to the post of Superintendent.

Moreover, in the year 2017 when the post of Superintendent was vacant and promotion was to be made from amongst the Assistants from same seniority list, then the same seniority list was sent to Peshawar High Court Peshawar in which the appellant was at Serial No 2 and no objection whatsoever was made by the respondents upon appellant's seniority position and the seniority list.

Furthermore, at the time of transfer of appellant from Anti Terrorism Court Bannu to District Courts Lakki Marwat in year 2003, the provincial Government did not raise any objection whatsoever upon transfer of appellant for the reason that it was the domain of Chief Justice Peshawar High Court Peshawar and not the Provincial Government as both the courts i.e. Anti Terrorism Court Bannu and District Courts Lakki Marwat are under administrative control of Peshawar High Court, Peshawar and as it is evident from transfer order of appellant dated 21.04.2003 in which it is stated, "The Hon able Chief Justice of this Court has been pleased to order the following transfer / posting".

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(3)

Similarly the impugned order dated 08.01.2021, has been made by the Registrar, Peshawar High Court Peshawar (who is not competent authority) by stating that "The competent Authority has been pleased to withdraw the transfer order dated 21.04.2003 of Tariq Saleem" and the order is not issued by Provincial Government.

Furthermore, the respondent No 3 has also admitted the fact that appellant has been permanently adjusted in District Courts Lakki Marwat, in response to the questionnaire sent by Registrar Peshawar High Court Peshawar dated 13.07.2020 under the subject, "promotion against the vacant post of Superintendent BPS—17" which is already annexed with the main appeal Annexure—F.

- 7. That Para No 7 is wrong and incorrect to the extent of legality of impugned order 08.01.2021. The impugned order dated 08.01.2021 has been issued after lapse of 17/18 long years. Moreover true facts have been stated above.
- 8. That no reply at this stage.
- 9. That Para No 9 is wrong incorrect and misleading one to the extent that appellant was neither given promotion in Anti Terrorism Court Bannu nor in District Court Lakki Marwat although appellant has served 17/18 long years service in District Court Lakki Marwat and as admitted by respondents that appellant is no more employee of Anti Terrorism Court Bannu as well as appellant is now on top of seniority list in District Court Lakki Marwat. The respondents cannot deprive the appellant from promotion by issuing illegally and unlawfully the impugned order dated 08.01.2021. Moreover, true facts have been stated above.
- 10. No reply.
- 11. No reply.

REJOINDER TO GROUNDS

- A. That Para A is wrong, incorrect and misleading one. True facts have been stated above.
- B. That Para B is wrong, incorrect and misleading one. True facts have been stated above.
- C. No reply.
- D. That Para D is wrong, incorrect and misleading one. The respondents have admitted the fact that appellant is no more employee of ATC Bannu in Para No 6 of comments. Moreover true facts have been stated above.

Shind



- E. No reply
- F. That Para No; F is wrong and incorrect to the extent of denying permanent adjustment of appellant in District Court Lakki Marwat. Moreover, true facts have been stated above.
- G. No reply.
- H. No reply.
- I. That Para No; I is wrong and incorrect. Great injustice has been done with the appellant vide impugned order dated 08.01.2021. Moreover true facts have been stated above.
- J. That Para No; J is wrong and incorrect. Great injustice has been done with the appellant vide impugned order dated 08.01.2021. Moreover true facts have been stated above.
- K. No reply:
- L. That Para No; L is wrong and incorrect to the extent that had the appellant been employee of ATC Bannu then the detailment order of appellant would have been to Anti Terrorism Court Peshawar and not to District Courts Peshawar. This is another fact admitted by the respondents that appellant is no more employee of ATC Bannu. As appellant was transferred from ATC Bannu to District Court Lakki Marwat and permanently adjusted in Districts Courts Lakki Marwat, therefore, the detailment order of appellant was also to District Court Peshawar. During the detailment order of appellant to District Court Peshawar, the appellant withdrew his salary from District Courts Lakki Marwat and the seniority of appellant was also maintained in District Courts Lakki Marwat. When all the facts are taken collectively then it becomes abundantly clear that appellant has been permanently adjusted in district Courts Lakki Marwat. Moreover true facts have been stated above.
- M. That in Para No M the respondents have admitted the seniority position of appellant in District Courts Lakki Marwat. As such great injustice has been done with the appellant vide impugned order dated 08.01.2021. Moreover true facts have been stated above.
- N. No reply at this stage.
- O. No reply.

82



It is therefore humbly requested that on acceptance of instant rejoinder, the amended appeal of the appellant may kindly be accepted as prayed for in appeal.

Appellant

Through :

Shahid Saleem Mina khel

Advocate High Court

Dated: $\frac{1}{100} / \frac{1}{100} = \frac{1}{100}$

AFFIDAVIT / VERIFICATION

I Tariq Saleem, Assistant Anti Terrorism Court Bannu do hereby affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

11 MAY 2022

Confinissioner

سند کی کے بھڑی فارے اگراف کے رکن وی میں جوری ووں کو بھا کہ ملک آمرے کے زنے است کے دیا کے است کا آمرے کے زنے است پي آيف 17 مِن تر قياني كا مون كا جار ل جارت بن محر قيم خان سر المرابع الله و المرابع من سائد و المرابع من سائد من المستحد المرابع المراب ديالا(لايوه مرت) لايكات ديا خاص اسيد محددد لما كندُ دُورِينُ في مِن قيام المن كيليكي أم عدل كا رسائل کے بادجود دیر شرک رق رف وقبال پارسرہ (نائرہ مٹر ق) مجر موبائی اسمیل ملتہ کی ایف بات انہوں 77 فٹل مگور مان نے کہا ہے کہ لیا ایف 77 میں بدائینڈ ، افتاق قتر ترقیال کا موں کا بیان کی کے فاکنڈ ڈورڈون میں تصدیحت مذے م کیلئے عدل نظام رتجے لیکن اے این لیاکا نامر تجی کی ترسب سے سواتے کا کا اسية وفتر على اخبارى لا تدول ب باتن كرت موت كيا ورق الماك كانكن كرايقيه 67 صنعه 10 چارسده،اےایس آئی عبدالرثید وبشمره احرق غون مر من بال عول يدى كي غيل مردان پر کس کلب کے مدد سرت مال عاصی مر در اور فلام صیب بیکرزالیو کاایش کے عشاریے سے خطاب کرد ہے ہیں من المرابع من المرابع کو بېترین کار کر دگی پرایوار ڈویا کیا ك الزار عي الوداى إد في المنام كياس سليط على سكول چارسده (نمائند شرق) منلي مكومت جارسده كى جار كامات نستہ میں بادلے کتے کے کاٹنے سے ایک د مر کٹ مجری میں پونس کے یکور آبانید مالات ایس آن مبدار شد مان كوان كى برتر زاد كردك د باد اور خمر مي عرزئی میں گاڑی کی نکر سے بکی بلاک، فائرنگ سے لڑ کا شدید ز المكيف دين كام وزان أكراثية وقول الانتهال جارسوه مر میمیند ایست اع دون و در دون ۱۲ نها با در دون عی کشر پشاد دون فراب شادر آفان نے دیے دوائع رب که خود ارشد خال گزشت کی مالوں سے ذمخ ک بچری ش اع ل کے فرائش مر انجام سے در ک بث كرام من مجى كلركون كى برتال چارمده (نائده مرن) نت عی باسط کے کے کا نے سے ایک فنی باک ایک شریدز کی ہوگی، عرز ان می ب کران (بار انگرای کال موبال آیادت کے فیسلے ریک مر ک طرح انسان کری می کارد ان می کار مرب او کیا صلح مدر قرد دیر نے محف د فاتر کارد در کری و کران کے بال اند مینگوره س کا نظیل تل کے عاقرين باد لے كانے = 45مالدام فان باك ماللت مواسف تك بزبل ماري تحقيح كانعلا كياميد جكد مكومت ثاه شريد في يوكيه عاسة كوكول ي دوملز مول كادر خوامت منانت منظور مادسد، مسلم نیک (ن) کے مسلی مدد ماج ن شاہ کا خیل احج گرول سے نگل کے کرار اظار ابقیاء 71 صفحہ 10) کسیدر کرد کرد دوران پینور بالا کورٹ نے موات بیکوره می پائیس کا کشیل کے کی فور دہشت کردی میں میرید طری و فتر ذی دُسر کث آفیسر وائر سپالی ایند سینی فیش پشاور میں گور نرراج جمہوریت کیخلافہ وفال عرد باشدول كادر فوات هاند مؤركر لالور تصحيح تينذر محوالد دَارٌ يكثر انغار ميش موب مر مديشادر اشتهار نمر INF(P)594 في دنيار مثرق / آن و فيره عم قوم بایر نکل کرد مکاه جدو جید میں شامل ہو جائے مردان بار میں مہی ہے سمید بدن کرونے میر سے ہیں۔ چیف بسٹس طارتی رویز خان پر مختل سنگل بیٹی نے دو فزیلن مطار او ممن ساکن رو لپنڈی اور میرافزیلن ساکن مجرات کی جاتب سے رہائی کیلے (بقیدہ 66ھسلعہ 10) متاريخ و 23/02/09 شائع شده نيزر و لن على مدر جدزيل مح وب فريالين. مردان (عدود بورث) در کت بار البوی ایش کے کرنیائے سابل مدر قراقبل بول نے کانے کہ بناب میں کورز کہا کہ آمف آءَ في عَيم سكندر بي ره پمپنگ مشيزي رن كا لله كالم المرور كالم الله المركمة أل پلال ایزازمالیش ب تام جمود يد بد و وال كواس ك ظاف أود بلد ومجارج ف پمپنگ مشیزی آسامی خالی ہے p/Head 10000 كلن (H. ۲) فینڈر فاد م مرف بری کوالیفائیڈ فرموں کو مبیا کیا جائیگ باتی فینڈر کے تام شرافظ قواعدد ضوابط کند من رہیجے Pump Setting بعدالت جاب میل فی ماحب الداد و است كردى ول على مدوج ذيل آساى خالى حد مول كے سكونى امید داردن سے درخواش مطلوب بیل درخواش می کرانے کی آخری بلز کا ۱۹۸۸ کی 2009ء سے باز می مقرود کے أميد دارد ول ست در خوات مطلوب إلى در حواس مراب و المستقد من مراب و المستقد من مراب و المستقد من من مراب و المستقد المستقد ال وْ پُنْ دُسْرِ کُٹُ آینسر،واٹر سپلائیا بینڈ کئی ٹیٹن پٹاور توام النه نون نمبر: 9217511-091 Manufacture 945(P)584 of Aleo evalleble on www.nwip.gov.pk (5027)50 and (برزرا حمینی کی JU30218 [[[[]] []] ديكر شرائعا اور ضوابط مندرجه ديل هين . نئو نمنت ب ثر الأنه (أ ا رہیں۔ موہد مدور سر حاون سے معربی دیے جا یں سے۔ و ایک سرن صدور ہود میں دیے ن اسرن بعر ن تعد سور کی جانگی۔ (۳)۔ درخواست سے بھراد قو بی شاخی کارڈ، عمل تعلیم اسٹولورڈو میا کل کی تقدیم کی شعک کرنا بھر مردل فرمن ا کیف سے 10 مامد کا 150 مدمرا کا ویش (عمل) کا فرایی کے مریم پھٹر معلق ایں۔ صحال فی تعریقات مجولول اديأ لد (٢) . بيا ي مر كار كالماز عن افراد كلاد طور كالكود خواسي مجير (٥) . أميد ومر مثل و كالم عود مرا) . - 07 k die \$ 5 2000 A 14 / 5 4 11 7 5 L 16 11 7 8 نعمان. اعتمان اغردي، نيب كيلي الل أميدوارول كي لمت موريد 16/03/09 كو عد المت الدود ومثت كردى بنول سكولي ال فاف كي كاخر علت: كن فاقعه باكتان والعريث فاف هجر . (ال CN 400 مهين ° 70 وان موا ما دي. 7 مو لدار آدیال کاماے گا۔ (ع) امیدواروں کے افروق میٹ مورور 100,000 برت 00 و بر م کا لے جا ک ير گاريمز کرد کر اوروال و بات و روی امیدو در و بست مور در دورود دو دورود دو عد الحر العذياد ليكو المرووس كيسو واليسم الله الله الله الله المؤاج المواج المرواعي عمر اكوا كال والمراح منتحور يا م سيريد واحرك إنتياده مختصل وكما يعاملوا يؤاء كالماء والمعالية المرادد IP:86, Class: I, Prewired & Tested , CE Certifi ب، عد الته انبداد دېشت گر د يې بول ers IP 68 70 W SON : على محال المحاودة والم الإسلام ما و المارية المارية المارية Brodo 1P.58 70 W SON (2) مارية المارية المارية المارية المارية المارية الم tter (۱) ۱۲۰۰ مېموسموسموم د مامند د لير بېسماس سان الميم والماك من الميم الميم الميم الميم الميم الميم والماك الميم الميم الميم الميم الميم الميم الميم الميم و نو ایگزیکو ڈمٹر کک آغیر کک فائس اینز پانگ چارسدہ کیلے ایک عدد جزیئر (غدیراط) کیلیے خواہشند ڈ بلرز ہے المجلى المركات (١) فيس مدام معد المثل لونون كيليث شا١٥٢٥ واحدد الميلي (عرد بلرياس حمد لمر) كيسو (2XHRP-38/10/) في مسلام عدائل لامن كيت تا 1X70 ما دام المراب المسلام المراب المراب المراب المراب المراب ALL WANDINGTER (3) (HRC610170 Watts SOL) HIT WEND الآرو (۱) نیندر کے ساتھ سکا۔/2000روپے کاکال ڈیپانٹ قائل دانھی ہنام ایکزیکٹوڈ مٹر کٹ آفیر، فائس اینڈ با نک المادحزيش Secretarize whetende monor the de to 12,000 2008 3,14 ft 2,00 وسفسته يما چارسوه مسلک بونا چاہیے۔ (۲) فینڈر فار م اور specification رو محلی کے دفتر سے دفتر ک او قات عمل حاصل بلاشيه کی جائتی ہیں۔ (۳)۔ قیت داخ طور پر ہندسوں اور لفظوں عمل کھی ہونی چاہئے۔ (۳)۔ ٹیڈورز روحظی سووجد 13 S. cente ار 2009 بارہ بے دو پہر تک موصول اوے یا ایکن جوکہ اسکاروز می دی EDO بارہ با فاقعہ کے دفتر ملسكليز كاللا بالما الما والمن المراكز المرا المرادة والمالية والمرافة والمرافق وال على كوك بالكرك - (٥) ـ المح في اور جزل بيز في مركادى فرن ك حاب كاف بائيط - (١) ـ مقرر عد المراح من المراح ال برعر بدن کے بعد موصول موسنے والے اور فد کورہ شر ملا فورانہ کرنے والے ٹینڈورز قابل تیول فیس ہوتے۔ (ع) در بر كنونمنث اليكزيكيوآ فيسريثاور تحلی اس کن کو محفو ظار کھتے تیں کہ بغیر دجہ متاسے کو کی نینڈار منظوریا مستر د کر دیے page..... شتم :-ايگزيکنو دُسرُ کٽ آفيسر ، فنانس اينڈپلانگ دُيپار ٹمنٹ چار سده Amex-A ATTESTED روز-نامير. "وغرق

AND TENTOSTIN GOUNT

08-13

28/02/2009~1 resel 60/8-1



The PESHAWAR HIGH COURT

Peshawar

No. PHC/Admn (SPL.C.TBL)/12/ 29/18

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

Exc Off:

Exch: 9210149-58 Off: 9210135

Fax: 9210170

Dated Pesh the <u>21/3</u>/2009

From:-

The Registrar, Peshawar High Court, Peshawar.

To:-

The Judge, Anti-Terrorism Court, Bannu.

Subject: -

MEETING OF DSC.

Dear Sir,

I am directed to refer to your letter No.1441 dated 14.03.2009, and to say that Hon'ble the Chief Justice is pleased to nominate Mr. Naeem Iqbal, Additional District & Sessions Judge, Bannu to represent this Court in the subject meeting for your Establishment, scheduled to be held on 21.03.2009.

Faithfully yours,

xammer Anti-Terrosim Court

ATTESTED

Bannu 08-12-21 (QALANDAR ALI KHAN)

REGISTRAR

Endst No & Date Even:

Copy forwarded to Mr. Naeem Iqbal, Additional District & Sessions Judge, Bannu for information and compliance.

(QALANDAR ALI KHAN) REGISTRAR

MINUTES OF MEETING OF DEPARTMENTAL SELECTION COMMITTEE HELD IN THE CHAMBER OF JUDGE ANTI-TERRORISM COURT, BANNU ON 21/03/2009.

Meeting of the Departmental Selection Committee was held on 21/03/2009, in the chamber of the Judge Anti-Terrorism Court, Bannu, which were attended by:-

Mr. Azar Khan Nascem, Judge Anti-Terrorism Court, Bannu

(Chairman).

Mr. Aftab Afridi, Addl District & Sessions Judge-III, Bannu

(Member)

2. Mr. Nacem Iqhal, Addl-District & Sessions Judge-II, Bannu 3.

(Member/Nominee High Court)

The committee conducted written tests and interviews for the appointments on the following 1 (Post) post:-

Reader/Assistant (BPS-14)

The Committee conducted written test for the above post, on 21/03/2009. On the basis of written test, the committee short listed the candidates for the interview.

92 candidates were found eligible for the post of Reader/Assistant out of whom 72 candidates appeared for written test and the following candidates were short listed for interview.

SHORT LISTED CANDIDATES FOR THE POST OF READER/ASSISTANT (BPS-14).

- 1) Shahidullah Khan S/ O Fazal Subkhan R.No:54
- Haroon Khan S/O Tor Ali Khan R.No:59
- 3) Jamshed Khan S/O Dolfaraz Khan R.No.01
- 4) Muhammad Israil S/O Abdul Aziz R.No.06
- Safiruliah S/O Naik Daraz Khan R.No.58
- Seraj Khattak S/O Umer Daraz Khan R.No.22
- Shah Mahmood Khan S/O Syed Muhammad Khan R.No.17
- Laiq Zaman S/O Meher Zaman R.No.49
- Mir Afzal Khan S/O Qamar Ali Khan R.No.90

The Committee interviewed the aforesaid candidates. The Committee unanimously recommended Mr. Laiq Zaman S/O Meher Zaman R.No.49 to be appointed as Reader/Assistant on the basis of his written test, interview and experience.

The appointing authority may issue the final appointing order accordingly

(Nacem Iqbai) Addl: District & Sessions Judge-II, Bannu/Nominee of Peshawar Iligh Court, Peshawar.

(Aftab Afridi) Addl: District & Sessions Judge-III, Bannu/Nomince of this Court .

(Azar Khan Naseem) Judge Anti-Terrorism Court, Bannu/ Chairman DSC

__/ Dated at Bannu the 21 March, 2009.

Copy forwarded to the Worthy Registrar, Peshawar High Court, Peshawar.

Ker Anti-Terrosim Court

Bannu 08-12-21

(AZAR KHAN NASEEM) Judge Anti-Terrorism Court, Bannu (CHAIRMAN) DSC

OFFICE OF THE Judge Anti-terrorism Court, BANNU.

No:	gyrintami ya a
Dated:	/03/2009.

OFFICE ORDER:

Consequent upon the recommendation of the Departmental Selection Committee vide No. 144 Dated:21/03/2009, the following candidate is hereby selected/appointed against the post of Reader/Assistant (BPS-14) in the interest of public service, with immediate effect as referred herein as under:-

S.#	Name	Father Name Meher Zaman	Address Village & P/O	Category of Post Reader/Assistant
1.	Laiq Zaman		Bazar Ahmad Khan, Teh: &	(BPS-14)
			Distt: Bannu.	

His appointment will be subject to the following terms and conditions:-

1. He will be governed by the N.W.F.P, Civil Servants Act, 1973 and the rules framed there.

2. His appointment will be subject to the medical certificate and

the antecedents verification of the appointee.

3. His appointment shall be purely on temporary basis and his services will be liable to termination at any time and without any notice and reason.

4. He shall have to complete the period of probation to the

satisfaction of his superior.

5. He shall be required to report for duties to the undersigned within 7 days from today failing which the appointment order shall be deemed to have been withdrawn/cancelled.

Examiner Anti-Terrosim Court

8-12-21 Endst # 1451-54 / Dated at Bannu the 21

Judge,
Anti-terrorism Court,
Bajijhu.

Anti-Tem Most

21 March, 2009.

1. The Registrar, Peshawar High Court, Peshawar.

- 2. The District Accounts Officer, Bannu.
- 3. The appointee concerned.
- $_{4}.V$ Office record.

Copy Forwarded to:-

HO4 Judge, Anti terrorism Court, Bannu. July,

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5200 / 2021

CM Application / 2021

Tariq Saleem, Assistant, Anti Terrorism Court, Bannu

Versus

The Registrar, Peshawar High Court, Peshawar and others

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]		CM Application with Affidavit			1
2	,	Copy of Office Order No. 7311 / ADMN: Dated Pesh the 21.05.2021		Α	2

Appellant Through

> Shahid Saleem Mina Khel Advocate High Court

Date <u>0 | 1 | 1</u>2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5200 / 2021

CM Application / 2021

Tariq Saleem, Assistant, Anti Terrorism Court, Bannu

Versus

The Registrar, Peshawar High Court, Peshawar and others

Pakhi Dated

CM APPLICATION FOR TREATING OFFICE ORDER NO. 7311 / ADMN: DATED PESH THE 21.05.2021, AS PART AND PARCEL OF THE SUBJECT APPEAL AND TO **ALSO SET ASIDE THE SAME:-**

Date 0

- That the subject appeal is pending disposal before this Hon able Tribunal and is fixed for hearing on 13.12.2021.
- That during pendency of the appeal, the Departmental Appellate Authority rejected representation of the appellant dated 27.01.2021, and to avoid complication, the said order Endst: No.7311/Admn dated 21.05.2021 be not only placed on record but be also set aside the same. Copy of Office Order No. 7311 / ADMN: Dated Pesh the 21.05.2021 is attached as Annexure – A.
- 3. That it is pertinent to mention here that appellant has filed appeal before this Hon able Tribunal on 19.05.2021. Whereas the Departmental Appellate Authority has rejected / decided the representation of the appellant during pendency of instant appeal and aforesaid order dated 21/05/2021 was seen by respondent No.02 i.e Special Judge Anti Terrorism Court Bannu on 02-06-2021 and handed over the same to the appellant on 02-06-2021.
- 4. That vide order dated 21-05-2021, the respondent No.01 upheld / maintained the original order dated 08.01.2021 which is already impugned before this Hon able Tribunal.

It is therefore, most humbly requested that Office Order No. 7311 / ADMN: Dated Pesh the 21.05.2021 may be treated as part and parcel of the subject appeal and be also set aside the same along with original impugned order Endst: No. 296 - 301 / ADMN Dated 08.01.2021. of the respondents.

Through

Shahid Saleem Mina Khel-Advocate High Cours

Appellant

2018

I Tariq Saleem, Assistant Anti Terrorism Court Bannu do hereby affirm and declare on oath that the contents of this CM application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

AFFIDAVIT

eponent

Mindle High Com Sees

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Exch: Off: 9210149-58 9210135

Fax: 9210170

www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk phcpsh@gmail.com

No. 7311

/Admn:

24.5.7e21

Dated Pesh the 21/05/2021

To:

The Judge,

Anti-Terrorism Court, Bannu.

Subject:

REPRESENTATION/DEPARTMENTAL APPEAL AGAINST ORDER

BEARING ENDST: 296-301/ADMN DATED 08.01.2021.

Dear Sir,

I am directed to refer to your letter No.48/Judge/ATC dated 27.01.2021, on the subject and to say that after due consideration the request of review by Mr. Tariq Saleem Assistant, being bereft of any merit is turned down by his lordship Hon'ble the Chief Justice. Hence, the order of his transfer back to his original station and position is upheld.

Please inform him accordingly.

Sincerely yours,

Seen copt be given by or your the graph of the graph of the last o

ADDITIONAL REGISTRAR (ADMN)

Allested

20.5.2021



The PESHAWAR HIGH COURT Peshawar



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Exch: Off:

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www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk phcpsh@gmail.com

Most Immediate.

No/Admn.

Dated...../2021

To,

- 1. Special Judge Anti-Terrorism Court, Bannu.
- 2. The District & Sessions Judge, Lakki Marwat.

Subject:

Service Appeals No. 5200/2021.

Tariq Saleem

Vs The Registrar, PHC and others.

Sir,

I am directed to refer to the subject noted above and to enclose herewith copy of the notice received from learned Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar and to ask you to submit joint para-wise draft comments for vetting in above Service Appeals in compliance with directions of the Hon'ble Service Tribunal KPK, Peshawar.

- Draft comments should be Para wise addressing issue in each of the Para separately (Facts & Grounds).
- Draft comments should be supported by the relevant documents.

Your attention is also invited to the instructions circulated vide this office letter no. 18707-51/admn: dated 07.09.2019 under subject of "Streamlining litigation procedure" (copy enclosed), for compliance in letter and spirit and to nominate a competent officer not below the rank of BPS-17, well conversant with the facts of the case to pursue and to appear on each date of hearing before the Hon'ble Tribunal in the case on behalf of the worthy Registrar of this Court (Respondent No.1) as well. The name and cell number of the officer so nominated be conveyed to this office.

Needful be done at earliest, please.

put up to the court with velocion

Yours Sincerely,

Leaghe

16/5/21.

ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR

Endst: No. 10685 /Admr

Dated Peshawar <u>14 107</u> /2021.

Copy forwarded to learned Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar, for information.

ADDITIONAL REGISTRAR (ADM

info@peshawarhighcourt.gov.pk

FOR REGISTRAR.

www.peshawarhighcourt.gov.pk

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Form 'A'

Judicial Branch

To be filled by the Counsel.

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Counsel for	Petitioner	Rest	oondent	In Persor	n	٠

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Signature of counsel/party

China Maria

PESHAWAR HIGH COURT, PESHAWAR

PROFORMA FOR EARLY HEARING.

Form 'B'

Dated_

Judicial Branch

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BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5200/2021

Tariq Saleem

VS

Registrar Peshawar High Court, Peshawar and others

INDEX.

S.No.	Description of Documents.	Annexure	Page.
1	Application with Affidavit		1-2
2	Copies of advertisement, Zemen	A	3

Dated: 1 /05/2022

Appellant Phrough Counsel,

Shahid Saleem Mina Khel, Advocates High Court.



Service Appeal No. 5200 / 2021

Tariq Saleem

VS

Registrar Peshawar High Court, Peshawar and others



APPLICATION FOR SUSPENDING THE PROCEDINGS FOR RECRUITMENT PROCESS FOR THE POST OF ASSISTANT (BPS - 16)
ADVERTISED IN APRIL 2022 AND TO RESTRAIN THE RESPONDENTS TO FILL THE VACANCY OF ASSISTANT IN DISTRICT COURTS LAKKI MARWAT TILL FINAL DISPOSAL OF INSTANT APPEAL.

Respectfully Sheweth

- 1. That the above titled service appeal is pending adjudication before this Hon able Tribunal which is fixed for hearing on 06.06.2022.
- 2. That respondents have illegally issued impugned order dated 08.01.2021, vide which appellant's transfer on vacant post of Assistant in District Court Lakki Marwat has been withdrawn. The afore mentioned impugned order dated 08.01.2021 has been challenged by the appellant before this Hon able Tribunal.
- 3. That appellant has rendered services in District Courts Lakki Marwat for about 17/18 long years as Assistant. Appellant withdrawn his salary from District Court Lakki Marwat and the seniority of appellant was also maintained in District Courts Lakki Marwat for the post of Assistant.
- 4. That after being transferred back to Anti Terrorism Court Bannu after about 17/18 years vide impugned order dated 08.01.2021, the respondents are going to fill the vacancy of Assistant which is advertised in April 2022 and respondents are going to defeat the 17/18 years service benefits / rights of appellant in the District Courts Lakki Marwat by filling the post of Assistant through fresh recruitment. Copy of advertisement is attached as Annexure –
- 5. That respondents are also depriving the appellant from his expected promotion to the post of Superintendent in District Courts Lakki Marwat by filling the vacancy of Assistant, as in the seniority list maintained for Assistants, the





appellant is on top of the list. In case, the appeal of the appellant is allowed by this Hon able Tribunal then appellant will lose his previous status upon post of Assistant for want of vacancy of Assistant and will be deprived from considering for promotion in upcoming proceedings for Departmental Promotion Committee.

- 6. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which makes out an excellent prima facie case in favor of the appellant.
- 7. That the balance of convenience also lies in favor of appellant and in case the interim relief is not extended to the appellant he will suffer irreparable loss.

It is therefore humbly prayed that on acceptance of this application the proceedings for recruitment process for the post of Assistant (BPS - 16) advertised in April 2022 may kindly be suspended and respondents may kindly be restrained to fill the vacancy of Assistant (BPS - 16) in District Courts Lakki Marwat till final disposal of instant appeal.

Appellant

Through

Shahid Saleem Mina khel

Advocate High Court

Dated: $II / \delta S/2022$

AFFIDAVIT / VERIFICATION

I Tariq Saleem, Assistant Anti Terrorism Court Bannu do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Conmissions

Water High Dough

Deponent

3

Annex-A

خالی آسامیوں کیلئے در خواستیں مطلوب ہیں

مسلمی عدالت ہائے گئی سروت میں مندر جہ ذیل خالی آ سامیوں پر تقرری کیلیے مسلم گئی سروت نے تعلق ریحنے والے خواہ شمند افراد سے 26 من 2022 تک ورخواستیں مطلوب ہیں جو دفتر زیر دستخطی میں دفتری او قات کار میں جمع کی جاسکتی ہیں۔

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