

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1963/2019

Date of Institution ... 06.12.2019

Date of Decision ... 11.01.2022

Amiz Khan, Process Server (BPS-5) In court of Senior Civil Judge, Dasu Kohistan.
..... (Appellant)

VERSUS

The Senior Civil Judge, Dasu Kohistan and one another.
..... (Respondents)

Uzma Syed, & Syed Noman Ali Bukhari,
Advocate ... For Appellant

Muhammad Adeel Butt,
Additional Advocate General ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the

case are that the appellant, while serving as Process Server in the Office of Senior Civil Judge, was considered for promotion to the post of bailiff BPS-6 vide DPC Dated 14-11-2019, but was not promoted due to adverse ACR, against which the appellant filed departmental appeal, which was rejected vide order dated 28-11-2019, hence the instant service appeal with prayers that the adverse remarks in PER/ACR of the appellant for the period from 01-01-2015 to 18-06-2015 may be expunged and the appellant may be considered for promotion to the post of Bailiff BPS-6 being the senior most and eligible with all back benefits.

02. Learned counsel for the appellant has contended that the impugned adverse remarks dated 01-01-2015 to 18-06-2015 communicated to the appellant on 14-11-2019 through DPC and not considering the appellant for promotion are against law, facts and norms of natural justice and material on record, hence not tenable and are liable to be set aside; that the impugned adverse remarks were not communicated well in time, hence not effective; that remarks of the reporting officer is biased, hence not tenable in the eye of law; that the adverse remarks are contrary to the instructions circulated by the government for writing PER, therefore the same adverse remarks are liable to be expunged; that as per instructions contained in PER, prior counseling was necessary before recording adverse remarks but such counseling/warning has never been given to the appellant, which is violation of the laid down instructions; that the appellant has not been treated in accordance with law and has been condemned unheard, as no chance of personal hearing was afforded to the appellant; that based upon the adverse remarks awarded in 2015, the appellant was denied promotion in 2019, which is illegal, the adverse PER were never communicated to the appellant well in time.

03. Learned Additional Advocate General for the respondents has contended that the appellant was not considered for promotion in DPC held in 2019 due to adverse remarks in his PER for the period from 01-01-2015 to 18-06-2015; that though the adverse remarks were not communicated to the appellant but the appellant was well aware of adverse remarks, rather the appellant maneuvered to replace such adverse remarks from officer other than the officer, who recorded adverse remarks.


04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that the appellant was at serial No 1 of the seniority list, when he was considered for promotion to the post of bailiff BPS-6, but

was not promoted due to adverse entry in his PER for the period from 01-01-2015 to 18-06-2015. Record would suggest that such adverse remarks were never communicated to the appellant, thus the appellant was kept deprived of the opportunity to defend his cause well in time. It otherwise was contrary to the rules pertaining to PER by not communicating the adverse remarks within the same year. It was also noticed as the appellant was not given any chance of prior counseling, which was mandatory as per law. The appellant was kept deprived of his promotion for the lame excuse of his adverse remarks, which were known to the appellant when minutes of the DPC were circulated.

06. We are of the considered opinion that the appellant has not been treated in accordance with law and was condemned unheard. Adverse remarks were not communicated to the appellant well in time and the same were communicated after five years, which is illegal. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Adverse remarks for the mentioned period are hereby expunged and the appellant is held entitled to promotion from the date, his juniors were promoted. Parties are left to bear their own cost. File be consigned to record room.

ANNOUNCED
11.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

11.01.2022


Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Adverse remarks for the mentioned period are hereby expunged and the appellant is held entitled to promotion from the date, his juniors were promoted. Parties are left to bear their own cost. File be consigned to record room.

ANNOUNCED

11.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

11/1/2022 - DB Pesh (T)

Amir Khan

P/17 - DPIC 14/11/2019. Address ACR. Suppcede.
Not communicated. 1996 SCMR 888
246/2013. 20/10/2021

P/19 Promotions 26/11/2019.

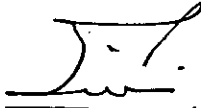
Dept appeal p/22: 26/11/2019
Rejected - 29/11/2019

Reporting officer - Distt Judge Sigeul in
senior civil judge - both places.

18.10.2021

Appellant in person and Mr. Muhammad Rasheed, DDA alongwith Waheed Ahmad, Superintendent for the respondents present.

Due to general strike of the bar, learned counsel for the appellant is not in attendance. Case to come up for arguments on 11.01.2022 before the D.B.


(Salah-ud-Din)
Member(J)


Chairman

31-12-2020

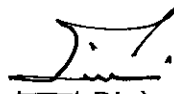
Due to summer vacation, case is adjourned to 18.3.2021 for the same as before.


Reader

18.03.2021

Counsel for the appellant and Mr. Muhammad Rashid, DDA for the respondents present.

Learned counsel for the appellant has submitted rejoinder to the written statement submitted by the respondents. Placed on record. To come up for arguments on 16.06.2021 before the D.B.


(Salah-ud-Din)
Member (J)


Chairman

16.06.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Let the Superintendent of District Judiciary Kohistan to attend this Tribunal in person alongwith A.C.R record of appellant comprising two years before the disputed period and two years afterward, and he shall also inform as to which of the two establishments i.e. S.C.J or A.S.J, the appellant belongs. To come up on 18.10.2021 before D.B.


(Rozina Rehman)
Member(J)

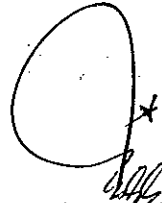

Chairman

16.07.2020

Appellant in person present. Addl: AG for respondents present.

Notices to the respondents have not been issued due to Covid-19, therefore, the office shall issue notices to the respondents for submission of written reply/comments.

Adjourned to 19.08.2020 before S.B.

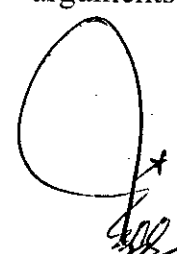

(Mian Muhammad)
Member(E)

19.08.2020

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present.

Respondents sent written reply/comments through post which is placed on file. A copy of the same is also handed over to the appellant.

To come up for rejoinder and arguments on 30.10.2020 before D.B.


(Mian Muhammad)
Member(E)

30.10.2020

Due to public holiday, the matter is adjourned to 31.12.2020 for the same before the D.B.


Reader

09.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Process Server) has filed the present service appeal against the minutes of DPC dated 14.11.2019, promotion order dated 26.11.2019 of the Process Servers to the post of Bailiff and against the adverse remarks in his ACR for the period 01.01.2015 to 18.06.2015. The appellant has also assailed the order dated 18.11.2019 whereby his application for promotion was disposed of.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 22.04.2020 before S.B.

Appellant Deposited
Security & Process Fee

18/3/20


Member

22.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 16.07.2020 for the same. To come up for the same as before S.B.





Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1963/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/12/2019	<p>The appeal of Mr. Amiz Khan resubmitted today by Uzma Syed Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 18/12/19</p>
2-	20/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/01/20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	23.01.2020	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing on 09.03.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>


(1)

The appeal of Mr. Amaiz Khan process Server in the court of Senior Civil Judge Dasu Kohistan received today i.e. on 06.12.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of proper rejection order of departmental appeal dated 28.11.2019 mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 2139 /S.T,

Dt. 10-12 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.

Sir,

The rejection order dated 28-11-2019
is written by hand by competent
authority on Page 22.

objection remove and resubmitted
again.



18-11-2019

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1963 /2019


Amiz Khan

Versus

Judicial Deptt:

INDEX

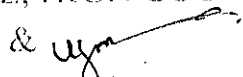
S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo. of Appeal	-----	1-4
2.	Copy of DPC Minutes	---A---	5-6
3.	Copy of Seniority list	---B---	07
4.	Copy of judgment	---C---	08-10
5.	Copy of Minutes of DPC	---D---	11-12
6.	Copy of DPC Minutes	---E---	13-14
7.	Copy of Seniority List	---F---	15
8.	Copy of DPC Minutes dated 14.11.2019	---G---	16-18
9.	Copy of Promotion order	---H---	19
11.	Copy of ACR	---I---	20-21
12.	Copy of Departmental representation	---J---	22
26.	Wakalat nama	-----	23


APPELLANT

Amiz Khan

THROUGH:


SYED NOMAN ALI BUKHARI,
ADVOCATE, HIGH COURT

& 
UZMA SYED
ADVOCATE, HIGH COURT

Date: 06.12.2019

CellNo: 0306-5109438.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1963 /2019

Amiz Khan, Process Server (BPS-5)
In court of Senior Civil Judge,
Dasu Kohistan.

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1785

Dated 06/12/2019

(Appellant)

VERSUS

1. The Senior Civil Judge, Dasu Kohistan.
2. The District & Session Judge at kohistan Dasu.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST DPC DATED 14.11.2019, PROMOTION ORDER DATED 26.11.2019 AND THE ADVERSE REMARKS FOR THE YEAR PERIOD 01.01.2015 TO 18.06.2015 HAVE BEEN COMMUNICATED THROUGH DPC DATED 14.11.2019 AND AGAINST REJECTION ORDER DATED 28.11.2019 WHEREBY THE DEPTT APPEAL OF THE APPELLANT IS REJECTED WITHOUT SHOWING ANY GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ADVERSE REMARKS REGARDING THE PER/ACR OF THE APPELLANT FOR THE PERIOD 01.01.2015 TO 18.06.2015 MAY KINDLY BE EXPUNGE BEING ILLEGAL AND THE APPELLANT MAY BE CONSIDER FOR THE PROMOTION TO THE POST OF BAILIFF (BPS-6) BEING SENIOR MOST AND ELIGIBLE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

6/12/19

Re-submitted to -day
and filed.

Registrar

18/12/19

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant Joined the Judicial Department in the year 2004 and working in the Court of Senior Civil Judge Dasu Kohistan on the post of Process server with full zeal and zest.
2. That the Deptt: conducted DPC in year 2014 for promotion to the post of Bailiff (BS-6) but the appellant and his senior colleague was ignored despite having seniority on the top of seniority list and junior was recommended for promotion. **Copy of the DPC meeting and Seniority list is attached as annexure-A & B.**
3. That the appellant and his senior Colleague (S.no 1 to 3) filed departmental appeal against the DPC dated 21.01.2014 before the appellate forum. The appeal of the appellants were accepted vide judgment dated 11.04.2016 and DPC dated 21.04.2014 were declared illegal. **Copy of Judgment is attached as Annexure-C.**
4. That thereafter, on acceptance of Departmental appeal the DPC was conducted on 13.07.2016 and S.No1 & 2 was promoted and that after another DPC was conducted on 05.05.2018 and S.No.3 was promoted. **Copies of DPCSs are attached as Annexure-D & E.**
5. That now the appellant was senior most Process server and at S.no.1 in seniority list. The DPC was conducted on 14.11.2019 for promotion to the post of Bailiff but the appellant was not recommended on the flimsy ground, on the basis of which promotion order dated 26.11.2019 was issued wherein junior tot appellant was promoted. **Copy of Seniority List, DPC and promotion order is attached as Annexure-F, G & H.**
6. That the appellant got the knowledge about adverse ACR for the period 01.01.2015 TO 18.06.2015 through DPC dated 14.11.2019 and filed the departmental appeal for expunction of adverse ACR and against the DPC meeting but the departmental appeal of the appellant was not considered and rejected on 28.11.2019 which is evident from the appeal. **Copy of ACR & Representation is attached as Annexure-I & J.**

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant Joined the Judicial Department in the year 2004 and working in the Court of Senior Civil Judge Dasu Kohistan on the post of Process server with full zeal and zest.
2. That the Deptt: conducted DPC in year 2014 for promotion to the post of Bailiff (BS-6) but the appellant and his senior colleague was ignored despite having seniority on the top of seniority list and junior was recommended for promotion. **Copy of the DPC meeting and Seniority list is attached as annexure-A & B.**
3. That the appellant and his senior Colleague (S.no 1 to 3) filed departmental appeal against the DPC dated 21.01.2014 before the appellate forum. The appeal of the appellants were accepted vide judgment dated 11.04.2016 and DPC dated 21.04.2014 were declared illegal. **Copy of Judgment is attached as Annexure-C.**
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5. That now the appellant was senior most Process server and at S.no.1 in seniority list. The DPC was conducted on 14.11.2019 for promotion to the post of Bailiff but the appellant was not recommended on the flimsy ground, on the basis of which promotion order dated 26.11.2019 was issued wherein junior tot appellant was promoted. **Copy of Seniority List, DPC and promotion order is attached as Annexure-F, G & H.**
6. That the appellant got the knowledge about adverse ACR for the period 01.01.2015 TO 18.06.2015 through DPC dated 14.11.2019 and filed the departmental appeal for expunction of adverse ACR and against the DPC meeting but the departmental appeal of the appellant was not considered and rejected on 28.11.2019 which is evident from the appeal. **Copy of ACR & Representation is attached as Annexure-I & J.**

7. That now the appellant come to this august Tribunal on the following grounds amongst others.


GROUND:

- A) That the impugned adverse remarks dated 01.01.2015 TO 18.06.2015 communicated on 14.11.2019 through DPC and not considering appellant for promotion are against the law, facts, norms of justice and material on record, therefore not sustainable and liable to be expunged.
- B) That the impugned adverse remarks are communicated is time barred and no justification has been given by the authority for delayed communication.
- C) That from the above per it is very much conclude the remarks of the reporting officer are bias malafide, and based on reiteration without any evidence.
- D) That the adverse remarks are contrary to instructions circulated by the Government for writing PER/ACR. Therefore the same adverse remarks are liable to be expunged.
- E) That as per instructions contained in the PER/ACR writing instruction there should be counseling/warning prior to adversing PER/ACR but in case of appellant no such prior counseling/warning has ever been given to the appellant which is violation of the laid down instructions
- F) That no prior counseling/warning has ever been given to the appellant which is again the violation of instruction regarding PER writing and impugned remarks are baseless on personal like without any proofing.
- G) That the appellant has not dealt in accordance with law and rules has been condemned unheard is no personal hearing was provided while adversing contained PER for the year 01.01.2015 to 18.06.2015.
- H) That the appellant was absence for three days and after justification appellant was exonerated and penalty of leave without pay of three days was set-aside, so that on the basis of that ground appellant promotion was denied is illegal and baseless.
- I) That the appellant has been condemned unheard because in respect of adverse remarks and PER/ACR no inquiry has been conducted to


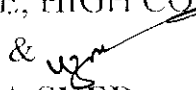
substantiate the adverse remarks nor the appellant was given a personal hearing right regarding such remarks

- J) That on the basis of adverse ACR for the year 01.01.2015 to 18.06.2015 the appellant promotion was denied was also illegal because the ACR for the period 01.01.2015 to 18.06.2015 is illegal and void-ab-initio due to reason that firstly the ACR was never communicated to the appellant and the counseling/warning was never given before the adverse ACR. Further it is added that the full ACR for the Year 2015 is not adverse and till date in field.
- K) That the period of adverse ACRs are 01.01.2015 to 18.06.2015, while the appellant was informed through DPC dated 14.11.2019 which means the adverse remarks are not timely conveyed, thus the same are liable to be expunged
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT
Amiz Khan

THROUGH:


SYED NOMAN ALI BUKHRI,
ADVOCATE, HIGH COURT
& 
UZMA SYED
ADVOCATE, HIGH COURT

NOTICE (D) SECTION
A (5)

**MINUTES OF THE MEETING OF DEPARTMENTAL
PROMOTION COMMITTEE HELD ON 22-04-2014 IN
THE CHAMBER OF SENIOR CIVIL JUDGE, DISTRICT
KOHISTAN AT DASSU**

Meeting of Departmental Promotion Committee was held on 22nd April, 2014 in the chamber of Senior Civil Judge, Kohistan at Dassu. The following attended the meeting;

- | | |
|---|----------|
| 1. Mr. Syed Kamal Hussain Shah,
Senior Civil Judge, Kohistan. | CHAIRMAN |
| 2. Mr. Gulzarullah,
Civil Judge/JM, Puran (Shangla).
(Nominee of the Hon'ble Peshawar High Court) | MEMBER |
| 3. Mr. Bisharat Rauf Swati,
Civil Judge/JM, Pattan (Kohistan)
(Nominee of the Chairman/Authority) | MEMBER |

The committee observed that a post of Bailiff in BPS-04 was lying vacant. The same had already been sanctioned under the regular budget and working papers had already been prepared in this regard. The same were perused by the committee along with the original service books of the senior most Process Servers. The following five officials from amongst the Process Servers (BPS-03) were considered for promotion to the posts of Bailiff in the light of the record placed in their service books keeping in view the seniority cum-fitness formula.

S. No	Name	Basic Pay Scale
1 ✓	Muhammad Issa	03
2 ✓	Khan Alam	03
3 ✓	Ameez Khan	03
4 ✓	Sanaullah	03
5 ✓	Muhammad Jan	03

Out of the five senior most Process Servers, Mr. Sanaullah S. No. 04 was considered as the most suitable candidate for the post of Bailiff keeping in view the performance reflected from the record placed in his service book viz-a-viz, its comparison

with record/service books of the remaining three officials/Process Servers. Therefore, Mr. Sanaullah was found fit for promotion in the light of his length of service and general suitability. 6

In the light of above, the committee unanimously decided to promote the official namely:-

4. Mr. Sanaullah, process Server BPS-03 as Bailiff in BPS-04.

The meeting ended with the vote of thanks to and from the Chair.



(Mr. Gulzarullah)

Civil Judge/Judicial Magistrate,
Nominee of Hon'ble Peshawar High Court,
Peshawar.

(Member)



(Bisharat Raouf Swati)

Civil Judge, JM, Pattan (Kohistan),
Nominee of Senior Civil Judge, Kohistan

(Member)



(Syed Kamal Hussain Shah)

Senior Civil Judge/Judicial Magistrate,
Kohistan,
(Chairman)

No. 158-62 SCJ

(KH)

Dated Dassu the 22/4/2014

Copy forwarded to:-

1. The Worthy Registrar, Peshawar High Court, Peshawar .
2. The Hon'ble District & Sessions Judge, Kohistan at Dassu
3. Mr. Gulzarullah, Civil Judge/Judicial Magistrate, Puran (Shangla)/ Nominee of Hon'ble Peshawar High Court, Peshawar.
4. Mr. Bisharat Raouf Swati, Civil Judge/Judicial Magistrate, Pattan (Kohistan)/Nominee of Senior Civil Judge, Kohistan.
5. ✓ Office copy.



(SYED KAMAL HUSSAIN SHAH)

Senior Civil Judge
Kohistan

ATTESTED

B(7)


OFFICE OF THE SENIOR CIVIL JUDGE, KOHISTAN AT DASSU

No 288 SCJ/KH

Dated 13/7/2016

Revised Seniority List Of The Officials Of Process Serving Agency After The Judgment Dated 11/04/2014 In Departmental Appeal No. 1/2014 Of Peshawar High Court, Peshawar (Judicial Department).

S.No	Name	Date of Birth	Date of Appointment	Year of Passing SSC
1	Shamsuddin	1969	29/03/2004	2002
2	Muhammad Essa	01/01/1969	29/03/2004	2002
3	Khan Alam	15/05/1976	29/03/2004	1995
4	Amiz Khan	01/01/1979	29/03/2004	1998
5	Siraj Khan	01/03/1986	15/01/2005	2004
6	Muhammad Jan	03/10/1981	25/07/2008	1997
7	Alam Zeb	01/01/1987	25/07/2008	2006
8	Alam Dad	18/03/1988	07/09/2012	2004
9	Abdul Sattar	01/06/1987	07/09/2012	2005
10	Muhammad Sher	01/01/1993	31/01/2014	2010
11	Muhammad Naseer	01/01/1986	31/01/2014	2003
12	Muhammad Iqbal	09/03/1986	31/01/2014	2004
13	Hazrat Ali Chaman	02/03/1985	23/04/2014	2001
14	Gul Shehzad	01/12/1995	23/04/2014	2010

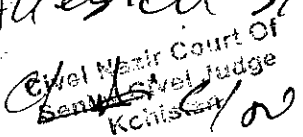

Senior Civil Judge,
Kohistan

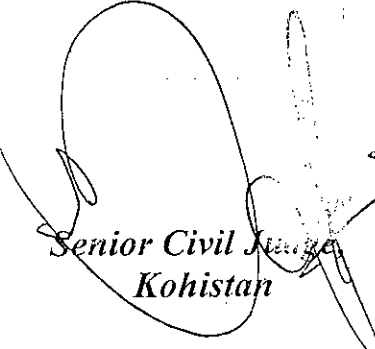
No 289-91 SCJ/KH

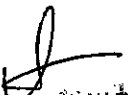
Dated 13/7/2016

Copy to:

1. The worthy District & Sessions Judge, Kohistan
2. All the Officials
3. Office Copy

Attested by

Civil Nazir Court of
Senior Civil Judge
Kohistan


Senior Civil Judge,
Kohistan


ATTESTED

C (8)

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Departmental Appeal No. 13/2014

JUDGMENT

Date of hearing..... 11.4.2016.....

Appellant(s)..... *Appellants in person*.....

Respondent (s) *(SCT)* by *Mr. Ghulam Nabi, Civil No. 47806*
Senior Civil Judge, Peshawar and others Respondent
In person

YAHYA AFRIDI :-J: Through the instant Departmental Appeal, Muhammad Issa, Khan Alam and Ameer Khan, the appellants, seek promotion as per seniority list.

2. The issue in hand relates to the promotion of the appellants, which was denied to them by the respondents. The record was requisitioned and the minutes of the Departmental Promotion Committee held on 21.1.2014 reveals that the reason for denying them promotion was in terms that;

"Out of the five senior most Process Servers, Mr. Shamsuddin S.No.01 and Mr. Siraj Khan S.No.05 were considered as the most suitable candidates for the posts of

[Handwritten signature]

14/11/14
Senior Civil Judge
[Signature]

Attested
[Signature]
COURT OF

MAS
MUHAMMAD AWAL KHAN WALI
Civil Judge
Dassu Kohistan

[Handwritten signature]
[Stamp]

Bailiff keeping in view the performance reflected from the record placed in their service books vis-a-vis, its comparison with record/service books of the remaining three officials/Process Server, therefore, Mr. Shamsuddin and Siraj Khan were found fit for promotion in the light of their length of service and general suitability."

3. The two promoted Junior Clerks were put to notice, they are before the Court. They do not want to engage a counsel. The personal file of the three appellants was also requisitioned and perused and it was noted that there was certain adverse entries regarding the appellants, but the same was up to the year 2008, where after their service record is clear.

M.H.S.
MUMTAZ AHMED MALI
Civil Judge Jm,
Dassu Kohistan
Senior Civil Judge
Kohistan.

While, considering the case of the promotion the A.C:Rs of the previous five years have to be considered. This aspect of the case was not adhered while considering the impugned promotion.

Senior Civil Judge
Kohistan
14-11-18

4. Accordingly, this appeal is partially allowed, the promotion orders are set aside and the matter is to be referred back to the Departmental Promotion Committee to consider the case of the parties in accordance with the observations stated hereinabove,

Attested Sir
Civil Court Of
Senior Civil Judge
Kohistan

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ATTESTED

10

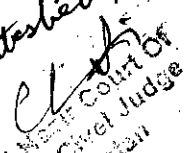
and thereafter to pass appropriate orders in accordance

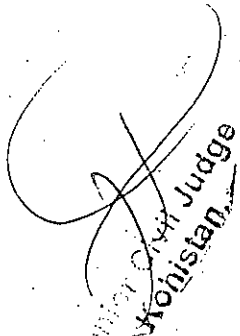
with law.


Announced:
11.4.2016



JUDGE

(K.A.H)

Attested Sir

Civil Judge, Court of
Senior Civil Judge
Kohistan


Senior Civil Judge
Kohistan


MUHAMMAD WAHEED WALI
Civil Judge, Jm,
Dassu Kohistan


Senior Civil Judge
Kohistan
11-4-16


ATTESTED

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11

**MINUTES OF THE DEPARTMENTAL PROMOTION
COMMITTEE OF THE OFFICE OF THE SENIOR CIVIL JUDGE,
KOHISTAN AT DASSU.**

In pursuance of the judgment in departmental appeal No. 13/2014 dated 11/04/2016 of august Peshawar High Court, Peshawar (Judicial Department), the meeting of the Departmental Promotion Committee was held on 13th July, 2016 in the chamber of the Senior Civil Judge, Kohistan at Dassu. The following attended the meeting:

1. *Mr. Shah Hussain,* CHAIRMAN
Senior Civil Judge, Kohistan.
2. *Mr. Iftikhar Ahmad Mohmand,* MEMBER
Civil Judge/JM, Besham (Shangla).
(Nominee of the Hon'ble Peshawar High Court)
3. *Mr. Waheed Ahmad,* MEMBER
Civil Nazir, Court of Senior Civil Judge,
Kohistan.
(Nominee of the Chairman/Authority)

The committee observed that two posts of Bailiffs in BPS-06 which became vacant after the ibid judgment of august Peshawar High Court, Peshawar dated 11/04/2016 in departmental appeal No.13/2014. These posts had already been sanctioned under the regular budget and working papers prepared in this regard. The same were perused by the committee along-with the original service books. The following five officials amongst the Process Servers (BPS-05) were considered for promotion to the posts of Bailiff in the light of the record placed in their service books keeping in view the seniority cum-fitness formula.

S.No	Name	Basic Pay Scale
1	Shamsuddin	05
2	Muhammad Essa	05
3	Khan Alam	05
4	Ameez Khan	05
5	Siraj Khan	05

Amongst the five senior most Process Servers, Mr. Shamsuddin at Serial No. 01 and Muhammad Essa Serial No. 02 were considered as the most suitable

Attested by
Court of
C/N

ATTESTED

candidates for the posts of Bailiff being senior most as per seniority list of the process servers and keeping in view the performance reflected from the record placed in their service books viz-a-viz, its comparison with record/service books of the remaining three officials/Process Servers. It is also worth mentioning that there is no adverse entry in their PERS of the last five years as discussed in the judgment ibid. Therefore, Mr. Shamsuddin and Muhammad Essa were found fit for promotion in the light of their length of service and seniority-cum-fitness.

In the light of above, the committee unanimously decided to promote the officials, namely:

1. Mr. Shamsuddin, Process Server BPS-05 as Bailiff in BPS-06.
2. Muhammad Essa, process Server BPS-05 as Bailiff in BPS-06.

Consequently, Mr. Siraj Khan (Bailiff) BPS-06 promoted vide office order No. 39-SCJ (KH) dated Dassu the 31/01/2014 is hereby demoted to his previous post of Process Server BPS-05.

The meeting ended with the vote of thanks to and from the Chair.

Iftikhar

(Mr. Iftikhar Ahmad Mohmand)

Civil Judge/Judicial Magistrate, Besham (Shangla)
Nominee of Hon'ble Peshawar High Court,
(Member)

Waheed

(Waheed Ahmad)

Civil Nazir, Court of Senior Civil Judge,
Nominee of Senior Civil Judge, Kohistan
(Member)

Shah Hussain

(Shah Hussain)
Senior Civil Judge/Judicial Magistrate,
Kohistan,
(Chairman)

No. 292-96 SCJ

(KH)

Dated Dassu the 13/07/2016

Copy forwarded to:-

1. The Worthy Registrar, Peshawar High Court, Peshawar
2. The Hon'ble District & Sessions Judge/ZQ, Kohistan at Dassu
3. Mr. Iftikhar Ahmad Mohmand Civil Judge/Judicial Magistrate, Besham (Shangla)/ Nominee of Hon'ble Peshawar High Court, Peshawar.
4. Mr. Waheed Ahmed, Civil Nazir, Court of SCJ, Kohistan/Nominee of Senior Civil Judge, Kohistan.
5. Office copy.

Attested by

Civil Nazir, Court of Senior Civil Judge, Kohistan

ATTESTED

Shah Hussain
(Shah Hussain)
Senior Civil Judge,
Kohistan

13

**OFFICE OF THE SENIOR CIVIL JUDGE/JUDICIAL MAGISTRATE
KOHISTAN AT DASSU**

**MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE, OFFICE OF
SENIOR CIVIL JUDGE, KOHISTAN AT DASSU HELD ON 05.05.2018.**

Meeting of the Departmental Promotion Committee was held on 05.05.2018 in the office of Senior Civil Judge, Kohistan at Dassu. The following attended the meeting:

S.No.	Name with Designation	Remarks
1	Muhammad Fiaz, Senior Civil Judge, Kohistan.	Chairman
2	Saeedullah Jan, Assistant Registrar, Peshawar High Court, Abbottabad Bench.	Nominee of the Honourable Peshawar High Court.
3	Muhammad Ishaq, Civil Judge, Dassu.	Nominee of the Senior Civil Judge, Kohistan

The Committee considered promotion cases for the following vacant positions.

S.No.	Name of Post	BPS	No. of vacancy	Remarks
1	Civil Nazir/Assistant	16	1	To be promoted from the post of Naib Nazir/Junior Clerk BPS-11.
2	Naib Nazir/Junior Clerk	11	1	To be promoted from amongst the post of Bailiffs BPS-06.
3	Bailiff	06	1	To be promoted from amongst the post of Process Servers BPS-05.

CIVIL NAZIR/ASSISTANT (BPS-16).

Service record of following Naib Nazir/Junior Clerk (BPS-11) was assessed on the criteria of seniority cum-fitness.

S.No.	Name & Father's name	Designation with BPS	Length of service	Qualification	Matric (S.S.C) Passed session
1	Mr. Ghulam Nabi S/o Abdul Khaliq	Naib Nazir/Junior Clerk BPS-11	24 Years	Matric	1992

The case of promotion of the post of Naib Nazir/Junior Clerk BPS-11 to the post of Civil Nazir/Assistant BPS-16 was considered. After going through the seniority and working papers, the Committee unanimously recommended the name of **Mr. Ghulam Nabi**, Naib Nazir/Junior Clerk BPS-11 for the promotion to the post of Civil Nazir/Assistant BPS-16.

NAIB NAZIR/JUNIOR CLERK (BPS-11).

Service record of following Bailiffs (BPS-06) was assessed on the criteria of seniority cum-fitness.

S.No.	Name & Father's name	Designation with BPS	Length of service	Qualification	Matric (S.S.C) Passed session
1	Mr. Abdul Hakeem S/o Noorul Huda	Bailiff BPS-06	23 Years & 03 months	Matric	1994
2	Mr. Anayattullah S/o Abdul Ghani	Bailiff BPS-06	23 Years	Matric	1995
2	Mr. Nizamuddin S/o Shams-ul- Huda	Bailiff BPS-06	22 Years & 2 months	Matric	1996

ATTESTED

14

The case of promotion of the post of Bailiff BPS-06 to the post of Naib Nazir/Junior Clerk BPS-11 was considered. After going through the seniority list and working papers, the Committee unanimously recommended the name of Mr. Abdul Hakeem, Bailiff BPS-06 for the promotion to the post of Naib Nazir/Junior Clerk BPS-11.

BAILIFF (BPS-06).

Service record of following Process Servers (BPS-05) was assessed on the criteria of seniority cum-fitness.

S.No.	Name & Father's name	Designation with BPS	Length of service	Qualification	Matric (S.S.C) Passed session
1	Mr. Khan Alam S/o Pukhtoon	Process Server BPS-05	14 Years & 01 month	Metric	1995
2	Mr. Amir Khan S/o Yardat	Process Server BPS-05	14 Years & 01 month	Metric	1998
2	Mr. Siraj Khan S/o Lal Juhar	Process Server BPS-05	13 Years & 04 months	Metric	2004

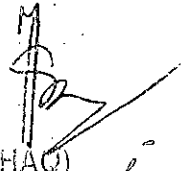
The case of promotion of the post of Process Server BPS-05 to the post of Bailiff BPS-06 was considered. After going through the seniority list and working papers, the Committee unanimously recommended the name of Mr. Khan Alam, Process Server BPS-05 for the promotion to the post of Bailiff BPS-06.


(SAEEDULLAH JAN)
Assistant Registrar.

Peshawar High Court, Abbottabad Bench/
Nominee of Peshawar High Court.
(Member)


(MUHAMMAD FIAZ)

Senior Civil Judge, Kohistan
(Chairman)



(MUHAMMAD ISHAQ)
Civil Judge/Judicial Magistrate, Dasso/
Nominee of Senior Civil Judge
(Member)


OFFICE OF THE SENIOR CIVIL JUDGE/JUDICIAL MAGISTRATE, KOHISTAN


No. 175-181 SCJ/JM (KH) Dasso

Dated 05/05/2018.

Copy forwarded to:-

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The Honourable District & Sessions Judge, Kohistan.
3. Mr. Saeedullah Jan, Assistant Registrar, Peshawar High Court, Abbottabad Bench.
4. Mr. Muhammad Ishaq, Civil Judge/Judicial Magistrate, Dasso, Kohistan.
5. The District Accounts Officer, Kohistan.
6. The Accountant/Civil Nazir to the Court of Senior Civil Judge, Kohistan.
7. Personal file of the officials concerned.


ATTESTED


(MUHAMMAD FIAZ)
Senior Civil Judge, Kohistan
(Chairman)

OFFICE OF THE SENIOR CIVIL JUDGE, KOHISTAN.

SENIORITY LIST OF THE PROCESS SERVERS.

S.No	Name	Designation & Scale	D.O.B	Date of first appointment	Date of 1st Promoti	Date of 2nd Promotion	Date of 3rd Promotion	Year of Passing SSC	Present Qualificati on	Signature
01	Amiz Khan	Process Server BPS 05	01-03-1979	01-04-2004 (Process Server)	-	-	-	1998	BA	
02	Siraj Khan	Process Server BPS 05	01-03-1986	15-01-2005 (Process Server)	-	-	-	2004	SSC	
03	Muhammad Jan	Process Server BPS 05	03-10-1981	25-07-2008 (Process Server)	-	-	-	1997	SSC	
04	Abdul Sattar	Process Server BPS 05	01-06-1987	07-09-2012 (Process Server)	-	-	-	2005	FSc	
05	Muhammad Iqbal	Process Server BPS 05	09-03-1986	01-02-2014 (Process Server)	-	-	-	2004	FA	
06	Hazrat Ali Chaman	Process Server BPS 05	02-03-1985	23-04-2014 (Process Server)	-	-	-	2001	BA	
07	Fazal Rabi	Process Server BPS 05	01-01-1986	26-04-2017 (Process Server)	-	-	-	2005	FA	
08	Saif- Ur - Rehman	Process Server BPS 05	02-02-1986	11-09-2018 (Process Server)	-	-	-	2004	FA	
09	Gul Nawaz	Process Server BPS 05	01-02-1995	11-09-2018 (Process Server)	-	-	-	2014	FSc	

Prepared by:

(Muhammad Sher)
 Clerk of Court,
 SCJ Kohistan.

Objections invited but none were filed by any official (PS).

M+S
 MUHAMMAD SHER
 Clerk of Court,
 SCJ Kohistan

No objection as reported by the State.

 Senior Civil Judge,
 Kohistan Lower
 14/11/19

(Hussain Ali)
 Senior Civil Judge, Kohistan
 Upper

Attested by

 Clerk of Court.

Articles unless they are registered for loss or damage in the case of inland registered articles (1) - The Post Office is not responsible

16

Annex 9

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE, OFFICE OF SENIOR CIVIL JUDGE, KOHISTAN AT DASSU HELD ON 14.11.2019

The scheduled meeting of Departmental Promotion Committee Kohistan Upper at Dassu was held on 14-11-2019 at 10-00 AM in the office of Senior Civil Judge, Kohistan Upper at Dassu and attended by the following:-

1. Hussain Ali,
Senior Civil Judge, Kohistan Upper

Chairman

2. Muhammad Asif,
SCJ, Kohistan Lower,

Member/Nominee
Peshawar High Court,
Peshawar

3. Muhammad Waheed Wali,
Civil Judge/JM Dassu.

Member/Nominee
SCJ, Kohistan Upper

The meeting started with the recitation from the Holy Quran. On this occasion a blessed one. The agenda of DPC was to fill three (03) vacant posts of Bailiff BPS-06. The chairman has already obtained the required sanction from august Peshawar High Court Peshawar on the basis of working order etc. The committee has observed and evaluated that the seat of Bailiff is to be filled through promotion only and criteria defined for it is seniority cum fitness in the light of Notification No. 39-J dated. Peshawar, 26.03.2003. The chairman has already prepared the seniority list whereupon the objections were invited from the holders of post of Process Server but none has filed the same and the seniority list was endorsed as a token of correctness by them. At the outset it was observed by the committee that the following aspirants have already completed the statutory period at the post of Process Server as required under the law.

S.No	Name	Designation	Basic Pay
01	Ameez Khan	Process Server	05
02	Siraj Khan	Process Server	05
03	Muhammad Jan	Process Server	05
04	Abdul Sattar	Process Server	05
05	Muhammad Iqbal	Process Server	05
06	Hazrat Ali Chaman	Process Server	05

Three seats of Bailiff were lying vacant due to multifarious reasons thus the committee had considered the case of four top aspirants. The ACRs of five years were considered for promotion in compliance of the Judgment dated 11.04.2016 authored by his lordship, Justice Yahya Afridi in departmental appeal No.13/2014.

Attested

Sir

E. L. Khan

Civil Judge Court of
Senior Civil Judge
Kohistan

Attested

17

The chairman has also apprised the members that no inquiry is pending against any aspirant.

Before taking up individual cases synopsis of all four top aspirants were prepared by the Civil Judge/Nominee of SCJ, Kohistan Upper and the same was perused and countersigned by the committee as confirmation.

The committee first took the promotion case of **Mr. Ameer Khan** who was at the top of seniority list and according to the approved synopsis and ACRS checked and signed by the committee members transpires that the aspirant was reported "**Not Fit For Promotion**" by the RO/CO Sardar Muhammad Irshad Learned District and Sessions Judge for the reported period 01.01.2015 to 18.06.2015, while for the remaining period of 2015 the ACR was obtained from Honorable District and Sessions Judge Muhammad Arshad with remarks "Fit For Promotion". The aspirant had also obtained complete ACR for the period of 01.01.2015 to 31.12.2015 from Shah Hussain learned Senior Civil Judge Dassu. But as per record the learned Senior Civil Judge assumed the charge on 02.04.2015 while the Counter Signing Officer has obtained the charge on 04.08.2015 (Charge assumption reports are attached herewith) and thus the said ACR has not been considered for the purpose of promotion since the Reporting Officer and Countersigning Officer are not authorized to subscribe the same and Prima facie the full ACR for the year 2015 has been obtained just to avoid the adverse ACR for the period of 01.01.2015 to 18.06.2015. The aspirant had also filed ibid service appeal wherein his lordship has observed that the five consecutive ACRs must be considered for promotion. Although it might not be the criteria but since the specific order had not been challenged and also pertains to this District and has attained finality under the law. It is also pertinent to mention here that the learned Senior Civil Judge Dassu vide office order No. 200 dated 27.05.2016 had also imposed penalty for the forfeiture of pay for specific period on the basis of absence. Though this order has been reversed on 08.08.2016 on humanitarian ground but the fact of his absence from duty is established, so in the light of above peculiar circumstances the committee has unanimously decided not to consider the case of present aspirant and he is superseded in the circumstances.

Thereafter cases of Mr. Siraj Khan, second in seniority list, Mr. Muhammad Jan, third in seniority list and Mr. Abdul Sattar, fourth in seniority list were perused from the service record/ACRs, working paper and the approved synopses in detail in the light of seniority cum fitness criteria, which transpires that all three have obtained no adverse ACR and were reported as "**Fit For Promotion**" in consecutive five reported ACRs. The committee unanimously recommend the following three aspirants/Process Servers BPS-05 for the promotion to the posts of Bailiff BPS-06.

Attested Sir


Civil Judge Court Of
Senior Level Kohistan


ATTESTED


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S.No	Name	Basic Pay	Qualification	Date of Appointment
01	Siraj Khan Process Server	05	SSC	15.01.2005
02	Muhammad Jan Process Server	05	SSC	25.07.2008
03	Abdul Sattar Process Server	05	FSc	07.09.2012

The meeting ended with the vote of thanks to and from the chair


Muhammad Asif,
 Senior Civil Judge, Kohistan Lower/
 Nominee of Peshawar High Court,
 Peshawar
 (Member/Nominee)


Muhammad Waheed Wali,
 Civil Judge/JM, Dassu Nominee of the
 Senior Civil Judge, Kohistan Upper.
 (Member/Nominee)


Hussain Ali,
 Senior Civil Judge, Kohistan Upper
 (Chairman)

MUHAMMAD WAHEED WALI
 Civil Judge, JM,
 Dassu Kohistan

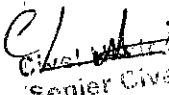
No. 258-263 SCJ(KH-Upper)

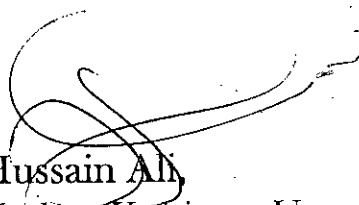
Dated 14-11-2019


Copy forwarded to:

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The Hon'ble District & Sessions Judge, Kohistan Upper.
3. Mr. Muhammad Asif, Senior Civil Judge, Kohistan Lower, Nominee of the Hon'ble Peshawar High Court, Peshawar.
4. Mr. Muhammad Waheed Wali, Civil Judge/JM Dassu/Nominee of the SCJ, Kohistan Upper.
5. Official Concerned.
6. Office Copy.

Attested Sir


 Senior Civil Judge
 Kohistan


Hussain Ali,
 Senior Civil Judge, Kohistan Upper
 Chairman
 Senior Civil Judge
 Kohistan.


 ATTESTED

Annex H 19

**OFFICE OF THE SENIOR CIVIL JUDGE,
KOHISTAN AT DASSU.**

OFFICE ORDER:

On the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 14.11.2019 in the Office of undersigned, the following officials are hereby promoted on regular basis, as detail mentioned below against each, with immediate effect:

S.#	Name of official	Father's Name	Designation	BPS	Promoted as	
					Designation	BPS
1	Mr.Siraj Khan	Lal Johar	Process Server	05	Bailiff	06
2	Mr. Muhammad Jan	Mirza Khan	Process Server	05	Bailiff	06
3	Mr.Abdul Sattar	Bejal Khan	Process Server	05	Bailiff	06

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

(HUSSAIN ALI)
Senior Civil Judge,
Kohistan

No. 275-284 SCJ/JM (KH) Dassu Dated 26/11/2019.

Copy forwarded to:-

1. The worthy Registrar, Peshawar High Court, Peshawar.
2. The Honourable District & Sessions Judge, Kohistan Upper.
3. Mr. Muhammad Asif, Senior Civil judge, Lower Kohistan/Nominee of Peshawar High Court, Peshawar.
4. Mr. Muhammad Waheed Wali, Civil Judge/JM, Dassu, Kohistan/Nominee of the Chairman.
5. The District Accounts Officer, Kohistan Upper.
6. The Accountant/Civil Nazir to the Court of Senior Civil Judge, Kohistan Upper.
7. The officials concerned by name.
8. Personal file of the officials concerned.
- ✓ 9. Office copy.

(HUSSAIN ALI)
Senior Civil Judge,
Kohistan

ATTESTED

Aa steel
sir
Civil Nazir to the Court of
Senior Civil Judge
Kohistan

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Name of official	Service year 2014		Service year 2015		Service year 2016		Service year 2017		Service year 2018	
	Fitness	Grading	Fitness	Grading	Fitness	Grading	Fitness	Grading	Fitness	Grading
Ameez Khan s/o Yardat	✓	Good	01.01.15 to 18.06.15		✓	Good	01.01.17 to 30.05.17 3 RO's with less than required period		01.01.18 to 05.05.18	
			Not fit	Average			31.05.17 to 31.12.17		✓	Good
			04.08.15 to 04.11.15				✓	Average	06.05.18 to 30.09.18	
			✓	Good					✓	Good
			01.01.2015 to 31.12.2015 (Second Report)						01.10.18 to 31.12.18	
			✓	Good					✓	Good
02 Siraj Khan s/o Lal Johar	✓	Average	01.01.15 to 18.06.15		✓	Good	✓	Good	01.01.18 to 05.05.18	
			✓	Good					✓	Good
			04.08.15 to 31.12.15						21.05.18 to 31.12.18	
			✓	Good					✓	Good
03 Muhammad Jan s/o Mirza Khan	✓	Good	✓	Good	01.01.16 to 20.07.16		✓	Good	24.03.18 to 31.12.18	
			✓	Good					✓	Good
			21.7.16 to 31.12.16							
			✓	Good						

Attested:
Civil Court
Senior Civil Judge
Kohistan
MUHAMMAD WAHEED WALLI
Civil Judge Jm,
Nassu Kohistan

Senior Civil Judge
Kohistan Lower
14-11-19

Senior Civil Judge
Kohistan

Abdul Sattar s/o Bejal Khan	✓	Good	✓	Good	22.02.16 to 20.07.16		✓	Good	01.01.18 to 18.05.18	
					✓	Good			✓	Good
					21.07.16 to 31.12.16				21.05.18 to 31.12.18	
					✓	Good			✓	V.Good

Prepared by:

MW
 Muhammad Waheed Wali
 Civil Judge/JM Dassu
 Nominee of SCJ, Kohistan
 MUHAMMAD WAHEED WALI
 Civil Judge JM,
 Dassu Kohistan

Checked and Verified by:

MA
 Muhammad Asif
 Senior Civil Judge, Kohistan Lower/
 Nominee of August Peshawar High
 Court, Peshawar
 Senior Civil Judge
 Kohistan Lower

Countersigned by:

H
 Hussain Ali
 Senior Civil Judge, Kohistan Upper
 Chairman
 Senior Civil Judge
 Kohistan

Attested sir
AK
 Senior Civil Judge
 Kohistan

ATTESTED

Hearings
Petitions may
adop due comm-
procedure for
remedy A Disposit-

Annex J

2019
ACR 25
15

تعداداً - ڈسٹریکٹ سیشن جج صاحب
عنوان: DPC پروٹوکول 14 نومبر 2019

ذراستہ ذیل امر ہے:-
ضمانہ

1۔ کہ سائل عدالت سیشن جج میں کسٹ ہوا سیشن پروٹوکول 04/2004 سے اپنے ضمانت سرانجام دے رہا ہے۔

2۔ کہ سائل 11/019 کے DPC میں سائل سے فرہارہ ہے، سائل نے مطالبہ کیا کہ جج سائل کے دو بڑے بیٹوں کا ACR فراہم ہوئے اور وہ سے سائل کو سٹرائپ کے آرڈر کے باقی تین کو پروٹوکول کر رہے ہیں۔ سائل کو ضمانت اپنے ACR کا کوئی نسخہ نہ دیا۔ اور سائل سے ایسی غلطی کی نہیں ہوئی جو کہ وجہ سے سائل پروٹوکول اور ضمانت کا جائزہ

کہ سائل کا سال 2014 میں مسلسل دو DPC میں تین سیشن ہوا سیشن پروٹوکول کے جوڑ کر جو سیشن پروٹوکول کیا گیا۔ جس سے سائل نے تیار رہا سٹرائپ میں اپنی ہی کو جس کا نفعہ جوڑ 4/016 کو سائل نے حق ہوا تھا۔ اس ضمن میں اس سیشن میں جج نے سائل کو بٹل پروٹوکول کیا۔ اس کے بعد کان عالم 5/018 کو پروٹوکول ہوا۔
3۔ جوڑنے سائل کا فرہارہ ہے۔ سٹرائپ کے نفعہ، DPC کے خلاف ہے۔

سہہ علیہ سائل کے ساتھ اضافہ کیا جائے۔
سائل کے ضمانت و عمارت کے رہنے 6۔

26/11/19

امضاء

امضایان سیشن پروٹوکول عدالت سیشن جج صاحب کے تین درجہ

Secretary
District Court Judge
District Court

ATTESTED

No.	1373
Date of presentation of application	28-11-2019
No. of pages	01
Copy fee	
Stamp fee	
TOTAL	
Name of Applicant	Asif Mehar
Date of issue of copy	28-11-2019
Date of delivery of copy	28-11-2019

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal, Peshawar

Amiz Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Judicial (Respondent)
(Defendant)

I/We, Amiz Khan

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

[Signature]
(CLIENT)

ACCEPTED

[Signature]
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

[Signature]
Uzma Syed

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

Appeal No. 1963 of 2019

Ameez Khan.....Appellant.

put up to the court with
relevant app-
Vs

- 1- The Senior Civil Judge, Kohistan at Dassu.
 - 2- The District & Sessions Judge, Kohistan at Dassu.
- Respondents.

Written statement/comments on behalf of
Respondents.

13/8/2020

Index

S.No	Documents	Annexure	Page
1	Written statement/ comments	-----	01 to 05
2	Copy of ACR of the Appellant of the period 01.01.2015 to 18.06.2015	A	06
3	Copy of ACR of the Appellant of the period 04.08.2015 to 04.11.2015	B	07
4	Copy of another ACR of the Appellant of the whole year of 2015, i.e 01.01.2015 to 31.12.2015 obtained through unfair means	C	08
5	Copy of order dated 27.05.2016 and copy of application and order thereupon dated 08.08.2016	D	09-10
6	Charge Report of the Reporting Officer	E	11
7	Charge Report of the Counter Signing Officer	F	12

Dated: 06.08.2020.


Senior Civil Judge,
Kohistan.

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

Appeal No. 1963 of 2019

Ameez Khan.....Appellant.

Vs

- 1- The Senior Civil Judge, Kohistan at Dassu.
 - 2- The District & Sessions Judge, Kohistan at Dassu.
- Respondents.

Written statement/comments on behalf of Respondents.

Preliminary Objections:

- 1- The appellant has got no cause of action.
- 2- The appellant has not approached the Service Tribunal with clean hands.
- 3- The Service Tribunal has got no jurisdiction to entertain the present service appeal.
- 4- The appellant has stopped due to his own conduct.
- 5- The present service appeal is barred by law.
- 6- The present service appeal is incompetent.
- 7- The present service appeal is bad being multifarious.
- 8- The appellant has not filed any departmental appeal before the proper forum hence the present service appeal is not maintainable.
- 9- The present service appeal is bad for non-joinder of necessary parties as well as promotees.

On facts:

1. Para No. 1, needs no comments.



2. Para No. 2, needs no comments. It is added that the appellant was not on the top of seniority list during the relevant period
3. Para No. 3, needs no comments.
4. Para No. 4, needs no comments. The process servers promoted vide DPC conducted on 13.07.2016 and 05.05.2018 were senior colleagues of the appellant.
5. In reply to Para No. 5, it is submitted that the appellant was considered by the Departmental Promotion Committee but not recommended for promotion for the reason of adverse entry/adverse remarks in his ACR for the period 01.01.2015 to 18.06.2015 and imposition of penalty (Copy of the ACR of period 01.01.2015 to 18.06.2015 is attached as Annexure "A" and Copy of ACR of the period 04.08.2015 to 04.11.2015 is attached as Annexure "B").
6. Para No. 6 is incorrect. The appellant was fully aware of adverse entry in his ACR for the period 01.01.2015 to 18.06.2015 and he managed to obtain through unfair means another ACR of the whole year of 2015 i.e 01.01.2015 to 31.12.2015 from the officers other than the officer who recorded adverse remarks in his ACR. (Copy of ACR of the period 01.01.2015 to 31.12.2015 obtained through unfair means is attached as Annexure "C").

Reporting Officer of the ACR "Annexure "C") took charge of his post on 02.04.2015

whereas Counter Signing Officer assumed the charge of the post on 04.08.2015.

On grounds:

A. Incorrect. The petitioner was well in knowledge of adverse entry in his ACR for the period 01.01.2015 to 18.06.2015 and he tried to cover-up the adverse entry by obtaining another ACR from Reporting Officer and Counter Signing Officer who were not posted in the relevant time at Kohistan. Instead of challenging the adverse remarks in accordance with prescribed procedure, the appellant resorted to unfair means.

That as per judgment dated 11.04.2016 passed in departmental appeal bearing No.13/2014, the Hon,ble judge, Peshawar High Court, Peshawar observed that five consecutive ACRs must be considered for promotion. That the Departmental Promotion Committee ignored the appellant from promotion on the ground of adverse entry in his ACR and that the penalty for the forfeiture of pay for specific period was also imposed upon the appellant due to his absence.

That the appellant earlier filed departmental appeal bearing No. 13/2014 before the Hon,ble Peshawar High Court, Peshawar and thereby sought promotion which departmental appeal was decided on merits. However against the adverse remarks in his ACR for the period 01.01.2015 to 18.06.2015, the appellant has not filed any departmental appeal before the competent forum, for expunction of adverse

remarks in his ACR rather the appellant upon having been superseded/not recommended, preferred an application before respondent No. 2 for his promotion. Hence the said application was rightly disposed of with observation that the petitioner may adopt due course of procedure for requisite remedy, before the appropriate forum.

- B. Incorrect. Detailed answer is already given in Para-A. The appellant was fully aware regarding the adverse remarks but did not approach the proper forum for the expunction of the same in time, rather resorted to unfair practice.
- C. Incorrect. Detailed answer is already given in Para-A.
- D. Incorrect. Detailed answer is already given in Para-A.
- E. Incorrect. Detailed answer is already given in Para-A.
- F. Incorrect. Detailed answer is already given in Para-A.
- G. Incorrect. Detailed answer is already given in Para-A.
- H. Incorrect. Pay was released on humanitarian grounds but the factum of absence from duty was established.(Copy of order dated 27.05.2016 and copy of application and order thereupon dated 08.08.2016 is attached as Annexure "D")
- I. Incorrect. Detailed answer is already given in Para-A.

J. Incorrect. Detailed answer is already given in Para-A. The appellant managed to secure through unfair means another ACR for the whole year of 2015 from the officers, one of whom took charge of the post on 02.04.2015 (copy of charge report attached as Annexure "E") while the another officer assumed charge on 04.08.2015 (copy of another charge report is attached as Annexure "F").

K. Incorrect. Detailed answer is already given in Para-A.

L. The respondents seek permission to advance other grounds and submit additional documents at the time of hearing.

It is therefore humbly submitted that the Service Appeal may be dismissed and the appellant may also be burdened with costs.

Respondent No. 1



**Senior Civil Judge,
Kohistan.**

Respondent No. 2



**District & Sessions Judge,
Kohistan.**

Solemnly affirm that the contents of the written statement/comments are correct to the best of my knowledge and belief.

Dated: 06.08.2020.



**Senior Civil Judge,
Kohistan.**

ASSESSMENT

GOVERNMENT OF K.P.K

Annexure "A"

JUDICIARY DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 01.01.2015 to 18.06.2015

PART-I

1. Name AMEZ KHAN
2. Designation (when appointed)..... Process Server
3. Present Designation:..... Process Server
4. Date of Birth:..... 01-03-1979
5. Date of entry into Government Service 01-04-2004
6. Qualification at the time of appointment:.....
7. Sections/Branches in which employed during the year with period:..... Chowkidar at Record Room
8. Qualification acquired after employment:.....

PART-II

(A) PERFORMANCE	A-1	A	B	C	D
(1) Promptness and accuracy in disposing work			<u> </u>		
(2) Sense of responsibility			<u> </u>		
(3) Takes interest in his work			<u> </u>		
(4) Whether he possesses adequate knowledge of work assigned to him			<u> </u>		

P.T.O

(II) Integrity

- (a) Incorruptible.....
- (b) Reported to be corrupt.....
- (c) Believed to be corrupt, Because of.....
- (d) Monetary consideration.....
- (e) Other Consideration.....
- (6) Knowledge of Typing/Computer **NO**
- (7) Trust worthiness in confident. **NO**
- (8) Honest. **Yes**
- (9) Confident **NO**
- (10) Fit for any responsible job **NO**

Assess
 YES NO
 YES NO

PART-III

	By Reporting Officer	By Countersigning Officer
(A) Recommended for accelerated promotion	<input type="checkbox"/>	<input type="checkbox"/>
(b) Fit for promotion	<input type="checkbox"/>	<input type="checkbox"/>
(c) Recently promoted/appointed consideration for promotion per mature.	<input type="checkbox"/>	<input type="checkbox"/>
(d). Not yet fit for promotion	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Unfit for further promotion	<input type="checkbox"/>	<input type="checkbox"/>

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good.		
(ii) Good		
(iii) Average	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) Below Average		
(v) Poor		

PEN PICTURE

He is an average person.

Reporting Officer's Signature _____

Name (in Block letters): SARDAR MUHAMMAD IRSHAD

Designation: District & Sessions Judge, Kohistan.

Dated 20/1/2016.

General Remarks by higher Officer:

As above.

Countersigning Officer's Signature _____

Name (in Block letters): SARDAR MUHAMMAD IRSHAD

Designation: District & Sessions Judge, Kohistan.

Dated 20/1/2016.

MUHAMMAD WAHED WALI
 CIVIL JUDGE Jm.
 District Kohistan

SARDAR MUHAMMAD IRSHAD
 District & Sessions Judge
 Kohistan

Senior Civil Judge

GOVERNMENT OF K.P.K Annexure "B"

JUDICIARY DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 04-08-2015 to 04-11-2015

PART-I

1. Name AMEZ KHAN
2. Designation (when appointed) Process Server
3. Present Designation Process Server
4. Date of Birth 01-03-1979
5. Date of entry into Government Service 01-04-2004
6. Qualification at the time of appointment
7. Sections/Branches in which employed during the year with period
8. Qualification acquired after employment

PART-II

(A) PERFORMANCE	A-1	A	B	C	D
(1) Promptness and accuracy in disposing work		W			
(2) Sense of responsibility		W			
(3) Takes interest in his work		W			
(4) Whether he possesses adequate knowledge of work assigned to him		W			

P.T.O

APPENDIX
 Assessment Form (Revised)
 P.S.S.

- (II) Integrity
- (a) Incorruptible.....
 - (b) Reported to be corrupt.....
 - (c) Believed to be corrupt, Because of:
 - (i) Monetary consideration.....
 - (ii) Other Consideration.....
 - (6) Knowledge of Typing/Computer
 - (7) Trust worthiness in confident.
 - (8) Honest.
 - (9) Confident
 - (10) Fit for any responsible job

YES NO
 W
 W
 W
 W

PART III

	By Reporting Officer	By Countersigning Officer
(A) Recommended for accelerated promotion	<input type="checkbox"/>	<input type="checkbox"/>
(b) Fit for promotion	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Recently promoted/appointed consideration for promotion per mature.	<input type="checkbox"/>	<input type="checkbox"/>
(d) Not yet fit for promotion	<input type="checkbox"/>	<input type="checkbox"/>
(e) Unfit for further promotion	<input type="checkbox"/>	<input type="checkbox"/>

PART IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good		
(ii) Good	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) Average		
(iv) Below Average		
(v) Poor		

PEN PICTURE

The official is punctual, dutiful & interested towards his job. Fit for promotion.

Reporting Officer's Signature _____
 Name (in Block letters) MUHAMMAD ARSHAD
 Designation D.S.T Kohistan

Dated 5/01/16

General Remarks by higher Officer: Agreed.

Countersigning Officer's Signature _____
 Name (in Block letters) MUHAMMAD ARSHAD
 Designation D.S.T Kohistan

Dated 07/01/16

MUHAMMAD ARSHAD
 D.S.T Kohistan

Senior Officer

GOVERNMENT OF N.W.F.P.

Annexure "C"

JUDICIARY DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 01-01-2015 to 31-12-2015

PART-I

1. Name (in block letters).....AMIZ KHAN
2. Designation PROCESS SERVER
3. Date of Birth.....01-03-1979
4. Date of entry into Government Service ...01-01-2004
5. Section/Branches in which employed during the year with period.....Process Server

PART-II

(A) PERFORMANCE	A	B	C	D
(1) Reference paging of notes correspondence		N/A		
(2) Movement of files and record of suspense cases		A		
(3) Keeping files and papers in tidy condition		A		
(4) Promptness and accuracy in disposing work		A		
(B) PERSONAL TRAITS				
(5) Intelligence		A		
(6) Knowledge of Procedure and regulations		A		
(7) Punctuality		A		
(8) Cooperation and tact		A		
(9) Amiability to discipline		A		
(10) Skill in drafting		A		

(11) Integrity

- (i) Incorruptible
- (ii) Reported to be corrupt.....
- (iii) Believed to be corrupt, Because of:
 - a. Monetary consideration.....
 - b. Other Consideration.....

Assessme
 YES NO
 RECEIVED

(12) Knowledge of Typing/Computer

N/A yes

(13) Trust worthiness in confidential and secret matters

(14) Any disciplinary action taken during the period under report's NO

PART-III

- (A) Recommended for accelerated promotion
- (b) Fit for promotion
- (c) Recently promote/disappointed consideration for promotion per mature.
- (d) Not yet fit for promotion
- (e) Unfit for further promotion

By Reporting Officer	By Countersigning Officer

PART-IV

General Assessment

- (i) Very Good
- (ii) Good
- (iii) Average
- (iv) Below Average
- (v) Poor

By Reporting Officer	By Countersigning Officer
Shah Hussain	Imran Jaffer

PEN PICTURE

Obedient, punctual and cooperative

Reporting Officer's Signature

Name in Block letters

Designation

MUHAMMAD ARSHAD
S. C. J., K.A.

Dated 08/11/2016

General Remarks by higher Officer:

Agreed

Countersigning Officer's Signature

WALD-1
 14/11/19
 K.A. Kominan

The benefit acc. obtained by the MUHAMMAD ARSHAD
 assigned to promotion into the
 K.A. Kominan. He is working in the
 always gives best in each work and
 always in the attitude of service and he is the

OFFICE OF THE SENIOR CIVIL JUDGE, KOHISTAN AT DASSU.

No. 200/SCJ (KH)

Dated Dassu the 27/05/2016

OFFICE ORDER.

Annexure "D"

Mr. Muhammad Amiz Khan Process Server of the court of undersigned was found absent on 19-05-2016 to 21-05-2016 (03 days), without prior permission / sanction of leave, from the competent authority.

The said official was served with an explanation vide letter No 184 Dated 21-05-2016, however the reply was un-satisfactory. Hence, the three days (03 days) absence period shall be treated as leave without pay. The District Accounts Officer is directed to deduct it from his current salary.

(SHAH HUSSAIN)
Senior Civil Judge,
Kohistan.

OFFICE OF THE SENIOR CIVIL JUDGE, KOHISTAN AT DASSU.

No 200/SCJ (KH)

Dated Dassu the 27/05/2016.

Copy for information:-

1. The District Accounts Officer Kohistan.
2. Official Concerned.

(SHAH HUSSAIN)
Senior Civil Judge,
Kohistan.

MUHAMMAD WAHEED WALLI
Civil Judge, Lower
Dassu Kohistan

Senior Civil Judge
Kohistan Lower

Senior Civil Judge
Kohistan

No. 317 dated 8-8-2016 Annexure "D"

مختار احمد خان کو ایف ڈی کی رقم واپس کرنے کی درخواست

The application is accepted to be completed in full as per the order of the court. The application is accepted to be completed in full as per the order of the court.

Senior Civil Judge
Magister at Daska

08/8/2016

مختار احمد خان صاحب کے ذریعہ کیے گئے درخواستیں

۱۔ مختار احمد خان کو ایف ڈی کی رقم واپس کرنے کی درخواست

تاریخ 19/05/16 تا 21/05/16 تک ایف ڈی کی رقم واپس کرنے کی درخواست

تاریخ 27/05/16 کو مختار احمد خان کو ایف ڈی کی رقم واپس کرنے کی درخواست

۲۔ مختار احمد خان کو ایف ڈی کی رقم واپس کرنے کی درخواست

تاریخ 27/05/16 کو مختار احمد خان کو ایف ڈی کی رقم واپس کرنے کی درخواست

امین خان

1/06/16
امین خان
محکمہ عدالت

Annexure "E"

P/Taenz

CHARGE ASSUMPTION REPORT

In compliance with the order of the Hon'ble Peshawar High Court, Peshawar, bearing Endst: No.3180-3305/Admn: dated Peshawar the 14/03/2015, I *Shah Hussain*, hereby assume the charge of the post of Senior Civil Judge Kohistan at Dassu, today on 02/04/2015, (F.N).

Shah Hussain
(Shah Hussain)
Senior Civil Judge
Kohistan

No. 108-17-SCJ/JM (KH)

Dated Dassu the 02/04/2015

Copy forwarded to:-

1. The Hon'ble Registrar, Peshawar High Court, Peshawar.
2. ✓ The Hon'ble M.I.T, Peshawar High Court, Peshawar.
3. ✓ The Worthy District & Sessions Judge, Kohistan.
4. The Worthy District & Sessions Judge, Charsadda.
5. The Learned Civil Judge/JM, Pattan (Kohistan).
6. The Accountant General, K.P.K, Peshawar.
7. The District Accounts Officer, Kohistan.
8. The District Accounts Officer, Charsadda.
9. The Superintendent, sub jail Jalkot, Kohistan.
10. Office Copy.

M/S
MUHAMMAD WAHEED WALLI
Civil Judge, JM,
Dassu Kohistan

Shah Hussain
Senior Civil Judge
Kohistan
14/11-19

Shah Hussain
(Shah Hussain)
Senior Civil Judge
Kohistan

Annexure "F"

CHARGE ASSUMPTION REPORT

In compliance with the Order of the Honourable Peshawar High Court, Peshawar, bearing Endst: No.8463-8589/ Admn: dated 23/07/2015, I, *Muhammad Arshad*, do hereby assume the charge of the post of District & Sessions Judge (BPS-21) Kohistan today on 04/08/2015, (F.N).

sd.

(MUHAMMAD ARSHAD)
District & Sessions Judge,
Kohistan at Dassu.

No. 780-789 D&SJ (KH) Dated Dassu the 04/08/2015.

Copy forwarded to:-

- ✓1- The Honourable Registrar, Peshawar High Court, Peshawar.
- 2- The Additional Registrar (Admn:) Peshawar High Court, Peshawar.
- 3- The Additional Registrar Peshawar High Court, Bench Abbottabad.
- 4- The PSO to Honourable Chief Justice, Peshawar High Court, Peshawar.
- 5- The Accountant General K.P.K, Peshawar.
- 6- The District Accounts Officer, Kohistan.
- 7- The District Accounts Officer, Swabi.
- 8- The Superintendent, Sub-Jail Dassu, District Kohistan.
- 9- The Manager, National Bank Dassu, Kohistan.
- 10- Office copy.

(MUHAMMAD ARSHAD)
District & Sessions Judge,
Kohistan at Dassu.

MAS
MUHAMMAD WAHEED WALI
CIVIL JUDGE JMT,
Dassu, Kohistan

Senior Civil Judge
Kohistan Lower
14/11-19

Senior Civil Judge
Kohistan Lower

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1963/2019

Mr. Ameer Khan

VS

Judiciary Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-9) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Para-1 of the appeal is admitted correct by the respondent deptt..
- 2 The contention of the respondent is incorrect while para-2 of the appeal is correct as mentioned in the main appeal of the appellant.
- 3 Para-3 of the appeal is admitted correct by the respondent deptt..
- 4 Para-4 of the appeal is admitted correct by the respondent deptt.
- 5 The contention of the respondent is incorrect while para-5 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, on the basis of adverse ACR for the year 01.01.2015 to 18.06.2015 the appellant promotion was denied was also illegal because the ACR for the period 01.01.2015 to 18.06.2015 is illegal and void-ab-initio due to reason that firstly the ACR was never communicated to the appellant and the counseling/warning was never

given before the adverse ACR. Further it is added that the full ACR for the Year 2015 is not adverse and till date in field.

- 6 Incorrect. while para-6 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, if reporting Officer took charge on 2.04.2015 then how previous reporting officer given adverse remarks till 18.06.2015. which shows malafide. Further it is added that in adverse remarks ACR reporting Officer and countersigning officer is same which is also violation which also show s malafide and no prior counseling/warning has ever been given to the appellant which is again the violation of instruction regarding PER writing and impugned remarks are baseless on personal like without any proofing. Moreover rest of the para- is admitted correct by the respondent.
- 7 Incorrect. The appellant has good cause of action and his appeal may be accepted.

GROUND:

- A) Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, all ACR of the appellant is good even half year of 2015 ACR of appellant was also good which was admitted by the respondents. Then how half year of the ACR is average which is evident of malafide and no prior counseling/warning has ever been given to the appellant which is again the violation of instruction regarding PER writing and impugned remarks are baseless on personal like without any proofing. Moreover, appellant filed departmental appeal wherein clearly written about his Adverse ACR. Further it is added that according to superior court judgment ACR is not a criteria for promotion. Further it is pertinent to mentioned her that the appellant was absence for three days and after justification appellant was exonerated and penalty of leave without pay of three days was set-aside, so that on the basis of that ground appellant promotion was denied is illegal and baseless.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal of the appellant.

- C) Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. While Para-H of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant was absent for three days and after justification appellant was exonerated and penalty of leave without pay of three days was set-aside, so that on the basis of that ground appellant promotion was denied is illegal and baseless
- I) Incorrect. While Para-I of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- J) Incorrect. While Para-J of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, if reporting Officer took charge on 2.04.2015 then how previous reporting officer given adverse remarks till 18.06.2015. which shows malafide. Further it is added that in adverse remarks ACR reporting Officer and countersigning officer is same which is also violation which also shows malafide and no prior counseling/warning has ever been given to the appellant which is again the violation of instruction regarding PER writing and impugned remarks are baseless on personal like without any proofing.
- K) Incorrect. While Para-K of grounds of the appeal is correct as mentioned in the main appeal of the appellant.

L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.




DEPONENT

(II) Integrity

- (a) Incorruptible..... Assessment
 Yes
 - (b) Reported to be corrupt..... No
 - (c) Believed to be corrupt, Because of:
 - (d) Monetary consideration No
 - (e) Other Consideration..... No
- (6) Knowledge of Typing/Computer No YES NO
- (7) Trust worthiness in confident. Yes
- (8) Honest. Yes
- (9) Confident Yes
- (10) Fit for any responsible job No

PART-III

- | | By
Reporting
Officer | By
Countersigning
Officer |
|---|-------------------------------------|-------------------------------------|
| (A) Recommended for accelerated promotion | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Fit for promotion | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Recently promoted/appointed consideration for promotion per mature. | <input type="checkbox"/> | <input type="checkbox"/> |
| (d). Not yet fit for promotion | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) Unfit for further promotion | <input type="checkbox"/> | <input type="checkbox"/> |

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Good	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Average	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) Below Average	<input type="checkbox"/>	<input type="checkbox"/>
(v) Poor	<input type="checkbox"/>	<input type="checkbox"/>

PEN PICTURE

Average

Reporting Officer's Signature

Name (in Block letters): AAMER NAZIR BHATTI

Designation: District & Sessions Judge Kohistan.

Dated 13/2/18

General Remarks by higher Officer:

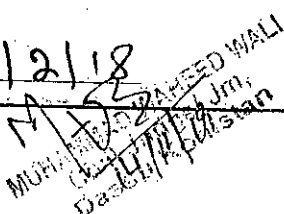
As above.

Countersigning Officer's Signature

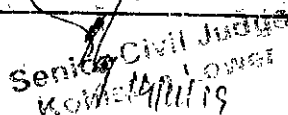
Name (in Block letters): AAMER NAZIR BHATTI

Designation: District & Sessions Judge, Kohistan.

Dated 13/2/18



 M. S. RAHIM WALI
 District & Sessions Judge
 Kohistan



 Senior Civil Judge
 Kohistan

Senior Civil Judge

- Period -

GOVERNMENT OF K.P.K

JUDICIARY DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 31-05-2017 to 31-12-2017

PART-I

1. Name AMEZ KHAN
2. Designation(when appointed)..... Process Server
3. Present Designation:..... Process Server
4. Date of Birth:.....
5. Date of entry into Government Service 01-04-2004
6. Qualification at the time of appointment:.....
7. Sections/Branches in which employed during the year with period:.. Cher. Madax in Record Room
8. Qualification acquired after employment:.....

PART-II

(A) PERFORMANCE	A-1	A	B	C	D
(1) Promptness and accuracy in disposing work			✓		
(2) Sense of responsibility			✓		
(3) Takes interest in his work			✓		
(4) Whether he possesses adequate knowledge of work assigned to him			✓		

P.T.O

(H) Integrity

- (a) Incorruptible.....
- (b) Reported to be corrupt.....
- (c) Believed to be corrupt, Because of:
- (d) Monetary consideration
- (e) Other Consideration.....
- (6) Knowledge of Typing/Computer
- (7) Trust worthiness in confident.
- (8) Honest.
- (9) Confident
- (10) Fit for any responsible job

Asst. Magistrate

[Signature]

YES NO

N/A
 yes
 yes
 yes
 yes

PART-III

	By Reporting Officer	By Countersigning Officer
(A) Recommended for accelerated promotion	<input type="checkbox"/>	<input type="checkbox"/>
(b) Fit for promotion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Recently promoted/appointed consideration for promotion per-mature.	<input type="checkbox"/>	<input type="checkbox"/>
(d) Not yet fit for promotion	<input type="checkbox"/>	<input type="checkbox"/>
(e) Unfit for further promotion	<input type="checkbox"/>	<input type="checkbox"/>

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good		
(ii) Good	<i>[Signature]</i>	
(iii) Average		
(iv) Below Average		
(v) Poor		

PEN PICTURE

obedient and hard working

Reporting Officer's Signature

Name (in Block letters) **SHAH HUSSAIN**

Designation: **Senior Civil Judge.**

Dated *08/2/07*

General Remarks by higher Officer:

I agreed.

Countersigning Officer's Signature

Name (in Block letters) **SHOAIB KHAN**

District & Session Judge, Kohistan of DASSU.

M/S

MUHAMMAD MAHMOOD HUSSAIN
 District Judge, Kohistan

Dated *08/02/07*

[Signature]

Senior District Judge
 Kohistan

[Signature]

Senior Civil Judge
 Kohistan

GOVERNMENT OF KPK.

JUDICIARY DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 01-01-2016 to 31-12-2016

PART-I

1. Name AMIZ KHAN
2. Designation (when appointed) PROCESS SERVER
3. Date of Birth: 01/01/1979
4. Date of entry into Government Service: 01/04/2004
5. Qualification at the time of appointment:
6. Sections/Branches in which employed during the year with period:
7. Qualification acquired after employment:

PART-II

(A) PERFORMANCE	A-1	A	B	C	D
(1) Promptness and accuracy in disposing work			✓		
(2) Sense of responsibility			✓		
(3) Takes interest in his work			✓		
(4) Whether he possesses adequate knowledge of work assigned to him			✓		

P.T.O

CY 1111

- (11) Integrity:
- (i) Incorruptible..... Assessment
 - (ii) Reported to be corrupt.....
 - (iii) Believed to be corrupt, Because of:
 - a. Monetary consideration
 - b. Other Consideration.....
- (12) Knowledge of Typing/Computer YES NO
- (13) Trust worthiness in confidential and secret matters.
- (14) Any disciplinary action taken during the period under report.

PART-III

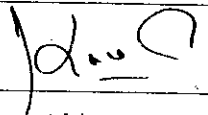
	By Reporting Officer	By Countersigning Officer
(A) Recommended for accelerated promotion	<input type="checkbox"/>	<input type="checkbox"/>
(b) Fit for promotion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Recently promoted/appointed consideration for promotion per mature.	<input type="checkbox"/>	<input type="checkbox"/>
(d) Not yet fit for promotion	<input type="checkbox"/>	<input type="checkbox"/>
(e) unfit for further promotion	<input type="checkbox"/>	<input type="checkbox"/>

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good		
(ii) Good	<input checked="" type="checkbox"/>	
(iii) Average		
(iv) Below Average		
(v) Poor		

PEN PICTURE

He is submissive.

Reporting Officer's Signature 

Name (in Block letters) SYED KAMAL HUSSAIN SHAH,

Designation SENIOR CIVIL JUDGE, KOHISTAN.

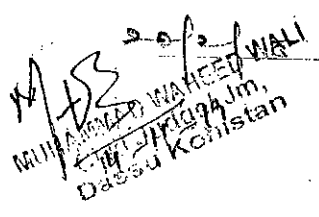
Date 14/02/2015

Comments by higher Officer: Agreed with remarks of RO

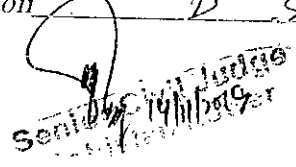
Countersigning Officer's Signature _____

Name (in Block letters) SARDAR MUHAMMAD IRSHAD

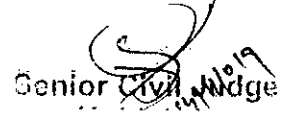
Designation D.S.J. KA



MUHAMMAD WAHEED WALI
Senior Civil Judge
Dabso Kohistan



Senior Civil Judge
14/02/2015



Senior Civil Judge

GOVERNMENT OF N.W.F.P.

JUDICIARY DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 01-01-2014 to 31-12-2014

PART-I

1. Name (in block letters).....AMEEZ KHAN.....
2. Designation PROCESS SERVER
3. Date of Birth.....01-03-1979.....
4. Date of entry into Government Service ...01-04-2004
5. Sections/Branches in which employed during the year with period.....

PART-II

(A) PERFORMANCE	A-1	A	B	C	D
(1) Reference paging of notes correspondence			✓		
(2) Movement of files and record of suspense cases			✓		
(3) Keeping files and papers in tidy condition			✓		
(4) Promptness and accuracy in disposing work			✓		
(B) PERSONAL TRAITS					
(5) Intelligence			✓		
(6) Knowledge of Procedure and regulations			✓		
(7) Punctuality		✓			
(8) Cooperation and tact.		✓			
(9) Amiability to discipline		✓			
(10) Skill in drafting			✓		

GOVERNMENT OF N.W.F.P.

JUDICIARY DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 01-01-2013 to 31-12-2013

PART-I

1. Name AMEZ KHAN.....
2. Designation (when appointed).....
3. Present Designation:..... PROCESS SERVER.....
4. Date of Birth:..... 01-03-1979.....
5. Date of entry into Government Service..... 01-04-2004.....
6. Qualification at the time of appointment:..... SSC.....
7. Sections/Branches in which employed during the year with period:.....
8. Qualification acquired after employment:.....

PART-II

(A) PERFORMANCE	A-I	A	B	C	D
(1) Promptness and accuracy in disposing work		2			
(2) Sense of responsibility		2			
(3) Takes interest in his work		2			
(4) Whether he possesses adequate knowledge of work assigned to him		2			

P.T.O

(II) Integrity

Assessment

(a) Incorruptible.....

(b) Reported to be corrupt.....

(c) Believed to be corrupt, Because of:

(d) Monetary consideration.....

(e) Other Consideration.....

(6) Knowledge of Typing/Computer

YES NO

(7) Trust worthiness in confident.

Yes

(8) Honest.

Yes

(9) Confident

Yes

(10) Fit for any responsible job

Yes

PART-III

(A) Recommended for accelerated promotion

By Reporting Officer

By Countersigning Officer

(b) Fit for promotion

(c) Recently promoted/appointed consideration for promotion per mature.

(d) Not yet fit for promotion

(e) Unfit for further promotion

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Good	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Average	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Below Average	<input type="checkbox"/>	<input type="checkbox"/>
(v) Poor	<input type="checkbox"/>	<input type="checkbox"/>

PEN PICTURE

Very good in his working and attitude.

Fit to be assigned with more responsible jobs.

Reporting Officer's Signature

[Signature]

Name (in Block letters)

AUBERKOR

Dated

11/4/2014

Designation

SP 8th DSR

General Remarks by higher Officer:

Agreed with the remarks of RO

Countersigning Officer's Signature

[Signature]

Name (in Block letters)

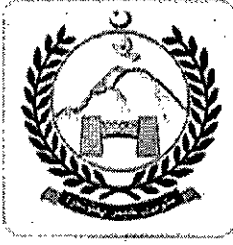
SANJIV KUMAR JUDGE

Dated

22/4/14

Designation

Subsistant



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 642 /ST

Dated: 7-3-2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Senior Civil Judge,
Government of Khyber Pakhtunkhwa,
Kohistan.

Subject: JUDGMENT IN APPEAL NO. 1963/2019 MR. AMIZ KHAN.

I am directed to forward herewith a certified copy of Judgement dated 15.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1021 /ST

Dated 29/06/2021


To

The Superintendent of District Judiciary,
Government of Khyber Pakhtunkhwa,
District Kohistan.

SUBJECT: - ORDER IN APPEAL NO. 1963/2019, MR. AMIZ KHAN.

I am directed to forward herewith a certified copy of order dated 16.06.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.