

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 148/2019

Date of Institution ... 31.01.2019

Date of Decision ... 14.04.2022

Ihsanullah, Senior Scale Stenographer (Acting Charge), Office of the Commissioner, Mardan Division, Mardan.

... (Appellant)

VERSUS

The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and two others.

... (Respondents)

-----  
MR. MUHAMMAD AMIN AYUB,  
Advocate

--- For appellant.

MR. ASIF MASOOD ALI SHAH,  
Deputy District Attorney

--- For official respondents No. 1 & 2.

MR. NOOR MUHAMMAD KHATTAK,  
Advocate

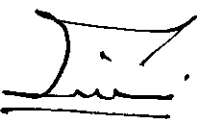
--- For private respondent No. 3


MR. SALAH-UD-DIN  
MR. MIAN MUHAMMAD

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

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Brief facts as alleged by the appellant in his appeal are that he alongwith private respondent No. 3 namely Muhammad Ibrahim were appointed as Junior Scale Stenographers (BPS-12) vide order dated 29.06.2009, upon recommendations of Departmental Selection Committee. According to the merit list, issued by Departmental Selection Committee, the position of the appellant was higher than the private respondent No. 3, however when the seniority list of the year 2014 was issued, private respondent No. 3 was placed senior to the appellant and on query of the appellant, he





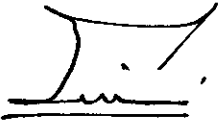
was being told that private respondent No. 3 has been placed senior for the reason that he was older in age than the appellant. Seniority of civil servant appointed through initial recruitment is based upon merit list, which is prepared on the basis of marks obtained in the initial recruitment. In the seniority list of the year 2015, private respondent No. 3 was again placed senior to the appellant and was thus promoted as Senior Scale Stenographer (BPS-16) vide order dated 22.12.2015. The post of Private Secretary was laying vacant, therefore, the appellant preferred written request to Commissioner Mardan Division Mardan that private respondent No. 3 may be promoted to the post of Private Secretary, while the appellant may be promoted to the post of Senior Scale Stenographer. Consequently, upon recommendations of Departmental Promotion Committee, private respondent No. 3 was promoted to the post of Private Secretary, while the appellant was promoted to the post of Senior Scale Stenographer on acting charge basis vide Notification dated 19.04.2018. While preparing tentative seniority list of Junior Scale Stenographers, one Babar Hayat was placed senior to Sajjad Ahmad on the ground that Babar Hayat was holding higher position in the merit list issued by Departmental Selection Committee. The departmental appeal filed by Junior Scale Stenographer namely Sajjad Ahmad was also declined by Commissioner Mardan Division Mardan vide order dated 31.10.2018. The appellant being senior in merit list, also submitted departmental representation but the same was dismissed vide order dated 21.12.2018, hence the instant service appeal.



2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.
3. Arguments heard and record perused.
4. During the course of arguments, learned counsel for the appellant submitted an application that appellant would

be satisfied, if his promotion as Senior Scale Stenographer (BPS-16) is regularized with effect from 19.04.2018 i.e the date on which the appellant was promoted as Senior Scale Stenographer on acting charge basis. Learned counsel for private respondent No. 3 endorsed no objection on the application so submitted by learned counsel for the appellant.

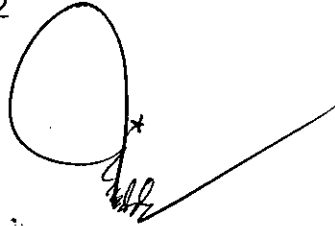
5. In view of the application so submitted by the appellant, we would refrain from giving any findings regarding the controversy of inter-se seniority of the appellant and private respondent No. 3. While analyzing the record in context of the request so made by the appellant through the application submitted by him, it is evident that vide Notification dated 23.01.2015, issued by Government of Khyber Pakhtunkhwa Board of Revenue/Revenue and Estate Department, various amendments were made in the relevant rules. In view of the said rules, private respondent No. 3 namely Muhammad Ibrahim and three other employees were promoted as Senior Scale Stenographers (BPS-16) on regular basis, vide Notification dated 22.12.2015. The appellant as well as private respondent No. 3 were appointed as Junior Scale Stenographers through same appointment order, however vide Notification dated 19.04.2018, the appellant was promoted as Senior Scale Stenographer (BPS-16) on acting charge basis instead of regular basis. The appellant was appointed as Junior Scale Stenographer in the year 2009. According to the relevant rules in field, 60% quota has been prescribed for promotion of the Stenographers to the post of Senior Scale Stenographer, subject to the condition that they possess at least 05 years service as such in the offices of Commissioners concerned. The appellant was thus possessing the prescribed length of service, therefore, he was required to have been promoted on regular basis instead of promoting him on acting charge basis vide Notification dated 19.04.2018. During the pendency of the instant appeal, the appellant has been promoted to the post



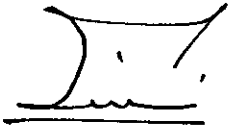
of Senior Scale Stenographer on regular basis with immediate effect, vide Notification dated 30.06.2021.

6. In view of the above discussion, we have come to the conclusion that as the appellant was entitled for his promotion as Senior Scale Stenographer on regular basis on 19.04.2018, therefore, respondents are directed to issue corrigendum of notification dated 30.06.2021 considering the appellant as regularly promoted to the concerned post with effect from 19.04.2018 with all consequential benefits. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
14.04.2022



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



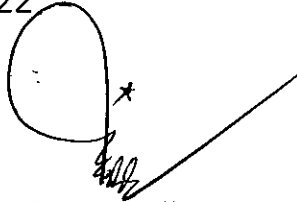
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

O R D E R  
14.04.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official No. 1 & 2 present. Learned counsel for private respondent No. 3 also present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we have come to the conclusion that as the appellant was entitled for his promotion as Senior Scale Stenographer on regular basis on 19.04.2018, therefore, respondents are directed to issue corrigendum of notification dated 30.06.2021 considering the appellant as regularly promoted to the concerned post with effect from 19.04.2018 with all consequential benefits. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
14.04.2022



(Mian Muhammad)  
Member (Executive)




(Salah-Ud-Din)  
Member (Judicial)

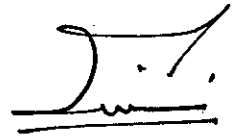
12.04.2022

Appellant alongwith his counsel present. Syed Naseer Ud Din Shah, Asst: AG for official respondents and counsel for private respondent No.3 present.

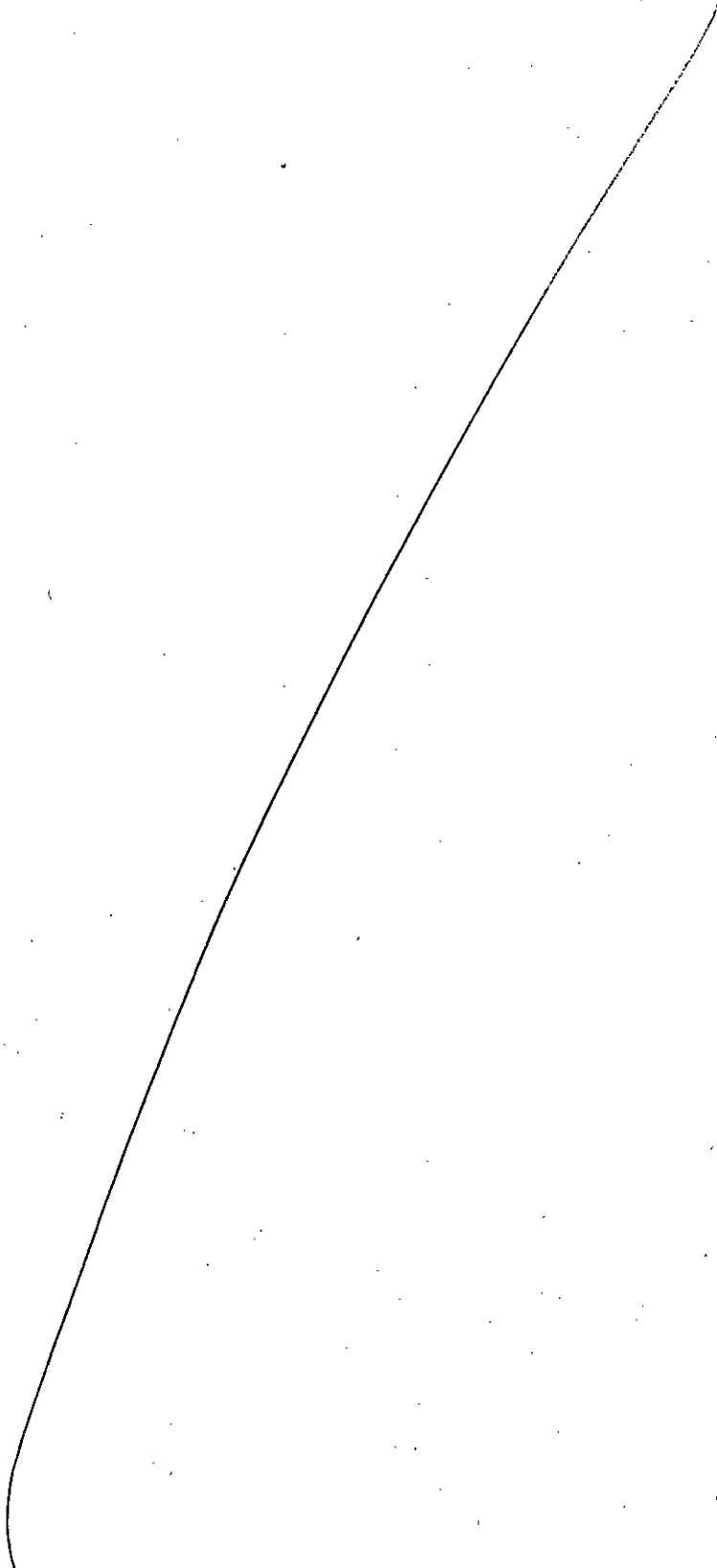
Arguments heard partially. To come up for remaining arguments before the D.B on 14.04.2022.



(Mian Muhammad)  
Member(E)



(Salah Ud Din)  
Member(J)



01.01.2021 Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.

  
Reader

13.04.2021 Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 28.07.2021 for the same.

  
Reader

28.07.2021 None for the petitioner and Mr. Muhammad Adeel Butt, Learned Additional Advocate General for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 17.12.2021 for the same before D.B.

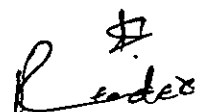


(Rozina Rehman)  
Member (Judicial)

  
Chairman

17-12-21

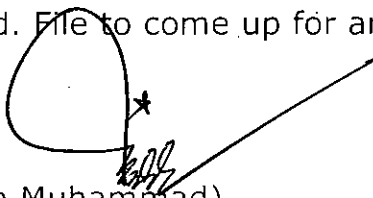
DB is on Tour case to come up  
For the same on Dated. 12-4-22

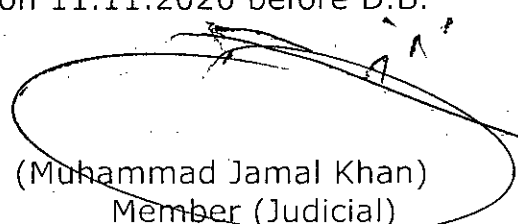
  
Reader

23.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Sharif Khan, Assistant are also present.

According to the appellant his respective counsel Mr. Khalid Rahman, Advocate has proceeded to Islamabad alongwith ailing father, therefore, he requested for adjournment. Adjournment is granted. File to come up for arguments on 11.11.2020 before D.B.


  
(Mian Muhammad)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

11.11.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Ajmal Assistant Secretary and Sharif Khan Assistant for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 01.01.2021 for hearing before the D.B.

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

  
Chairman



26.02.2020

Appellant in person present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Arif Superintendent present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 01.04.2020 before D.B.

  
Member

  
Member


01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 25.06.2020 before D.B.

  
Reader

25.06.2020

Due to public holiday on account of COVID-19 the case is adjourned for the same on 23.09.2020 before D.B.

  
Reader

11.11.2019

Appellant in person present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Arif Superintendent for official respondents present. Learned counsel for private respondent No.3 present and submitted reply, copy of the same given to appellant and representative of official respondents. Adjournment requested. Adjourn. To come up for further proceedings/arguments on 06.12.2019 before D.B.

  
Member

  
Member

6.12.19 The Bench is incomplete  
Therefore case is adjourned  
to 16-1-2020  
Reader

16.01.2020

Appellant in person present. Mr. Arif Superintendent representative of the official respondent No.1 present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 26.02.2020 before D.B.

  
Member

  
Member

01.08.2019 None for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Sharif Khan, Assistant for official respondents present. Mr. Noor Muhammad Advocate submitted Wakalat Nama on behalf of private respondent no.3 and requests for further time to submit written reply/comments. Adjournd to 19.09.2019 before S.B.

  
(Ahmad Hassan)  
Member

19.09.2019 Counsel for the appellant and Addl. AG alongwith Muhammad Arif, Superintendent for official respondents and counsel for private respondent No. 4 present.

Request for adjournment is made on behalf of respondent No. 4 for submission of comments/reply. Last opportunity is granted to respondent No. 3 for submission of requisite reply/comments on 10.10.2019 before S.B.

  
Chairman

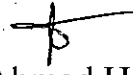
10.10.2019 Counsel for the appellant and Addl. AG alongwith Muhammad Arif, Superintendent for respondents No. 1& 2 and counsel for respondent No. 3 present.

Reply/parawise comments on behalf of respondents No. 1 & 2 have already been furnished. Learned counsel for respondent No. 3 requests for further time. Since last opportunity was granted, the matter is, therefore, posted to D.B for arguments on 11.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

  
Chairman


29.04.2019

None for the appellant present. Adll: AG alongwith Mr. Muazam Ali, Assistant and Mr. Javed, Assistant for official respondents no.1 and 2 and Private respondent no.3 in person present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up written reply/comments on 20.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

20.06.2019

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sharif Khan, Assistant on behalf of official respondents No. 1 & 2 and private respondent No. 3 in person present. Representative of official respondents No. 1 & 2 submitted written reply. Private respondent No. 3 requested for further adjournment to submit written reply. Adjourned. Case to come up for written reply/comments on behalf of private respondent No. 3 on 01.08.2019 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

13.03.2019

Counsel for the appellant Ihsanullah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the post of Junior Scale Stenographer was advertised and the appellant as well as private respondent No. 3 applied for the same post. It was further contended that the appellant and private respondent No. 3 were appointed as Junior Scale Stenographers vide order dated 29.06.2009 on the same day. It was further contended that as per merit list, the appellant is shown at the top of merit list while private respondent No. 3 was shown at serial No. 2 of the merit list therefore, under rule -17 of Appointment Promotion Transfer Rules, 1989 the seniority shall be determined from the date of first appointment of the initial recruitment on the basis of merit list but the respondent-department ignored the merit list and shown the private respondent No. 3 senior to the appellant in the seniority list pertaining to the year 2014 of Junior Scale Stenographers. It was further contended that the respondent-department promoted the private respondent No. 3 from the post of Junior Scale Stenographer (BPS-14) to the post of Senior Scale Stenographer (BPS-16) vide order dated 22.12.2015 and the appellant was ignored from promotion. It was further contended that again private respondent No. 3 was promoted from the post of Senior Scale Stenographer (BPS-16) to the post of Private Secretary (BPS-17) vide order dated 08.05.2018 but the respondent-department again ignored the appellant. It was further contended that recently vide order dated 08.05.2018 the appellant has been promoted as Senior Scale Stenographer (BPS-16) on acting charge basis therefore, the respondent-department was required to consider the merit list but the respondent-department has not considered the merit list therefore, the appellant was illegally shown junior to the private respondent No. 3 therefore, the impugned seniority list and promotion order of the private respondent No. 3 is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for 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 written reply/comments for 29.04.2019 before S.B.

Appellant's Security Deposited  
Security Access Fee


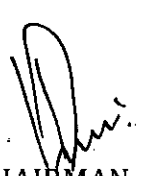
*MA*  
(Muhammad Amin Khan Kundi)  
Member

Form- A

FORM OF ORDER SHEET

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

Case No. 148/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/1/2019	<p>The appeal of Mr. Ihsanullah presented today by Mr. Khaled Rehman 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 31/1/19                 </p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-3-19</u>.</p> <p style="text-align: right;">                       CHAIRMAN                 </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 148 /2019

Ihsanullah ..... Appellant

Versus

The Commissioner etc..... Respondents

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4.	Final Seniority List of the Junior Scale Stenographers	31.12.2014	C	8
5.	Notification/Fresh Rules	23.01.2015	D	9-13
6.	Notification of promotion of Respondent No.3 to post of Senior Scale Stenographer	22.12.2015	E	14
7.	Representation		F	15
8.	Letter thereby request of appellant was forwarded to Respondent No.1	19.10.2017	G	16
9.	Letter whereby the Working Paper alongwith supporting documents were requisitioned from the Respondent No.2	07.11.2017	H	17
10.	Notification of Respondent No.3 promotion as Private Secretary (BPS-17) on Acting charge basis	18.05.2018	I	18
11.	Notification of appellant Promotion as Senior Scale Stenographer (BPS-17) on Acting charge basis	19.04.2018	J	19
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*Shs*

Appellant

Through

**Khaled Rahman**

Advocate,

Supreme Court of Pakistan

4-B, Haroon Mansion

Khyber Bazar, Peshawar

Off: Tel: 091-2592458

Cell # 0345-9337312

Dated: 30/01/2019

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 148 /2019Khyber Pakhtunkhwa  
Service TribunalDiary No. 142Dated 31-1-2019**Mr. Ihsanullah,**

Senior Scale Stenographer (Acting Charge)

Office of the Commissioner, Mardan Division, Mardan ..... **Appellant**

Versus

1. **The Senior Member board of Revenue,**  
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. **The Commissioner,**  
Mardan Division, Mardan
3. **Muhammad Ibrahim**  
Private Secretary (Acting Charge),  
Commissioner Office, Mardan..... **Respondents**

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 21.12.2018 COMMUNICATED ON 02.01.2019 WHEREBY RESPONDENT NO.1 DISMISSED THE DEPARTMENTAL APPEAL OF THE APPELLANT.

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**PRAYER:**

**Filed to-day**  
**Registrar**  
**31/1/2019**

On acceptance of the instant appeal, the impugned appellate order dated 21.12.2018 communicated to appellant on 02.01.2019 may graciously be set aside by considering the appellant for seniority and promotion to the post of Senior Scale Stenographer (BS-16) with all consequential back benefits.

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Respectfully Sheweth,

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

1. **That** appellant holds degree in Journalism & Mass Communication. On 25.03.2009 (**Annex:-A**) two posts of Junior Scale Stenographers (BPS-12) were advertised by Respondent No.2. Appellant and Respondent No.3



applied for the same. They went through the selection process and upon the recommendation of the Departmental Promotion Committee they were appointed as such vide orders dated 29.06.2009 (*Annex:-B*).

2. **That** Petitioner and Respondent No.3 thereafter started serving the Department. In 2014, final Seniority List (*Annex:-C*) of the Junior Scale Stenographers as stood on 31.12.2014 was issued whereby Respondent No.3 was shown senior to the appellant. On query it was disclosed to the appellant that Respondent No.3 was placed senior on the ground that he was older in age although the appellant was qualified and had better performance in the selection process than Respondent No.3.
3. **That** vide Notification dated 23.01.2015 (*Annex:-D*), fresh Service Rules were framed by the Department under Rule-3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 whereby promotion to Senior Scale Stenographer (BPS-16) was made as 60% by promotion from amongst Stenographers (BPS-14) and 40% from amongst the Computer Operators.
4. **That** another Seniority List of Stenographers (BPS-14) was issued wherein too, Respondent No.3 was placed above the name of the appellant on the basis of which Respondent No.3 was promoted to the post of Senior Scale Stenographer vide Notification dated 22.12.2015 (*Annex:-E*).
5. **That** the appellant also preferred Representation (*Annex:-F*) for promotion as the post of Private Secretary was lying vacant, therefore, the appellant made request for promotion of Respondent No.3 for the post of Private Secretary and for his promotion to the post of Senior Scale Stenographer (BPS-16). The request of the appellant was forwarded to Respondent No.1 vide letter dated 19.10.2017 (*Annex:-G*) which was considered and vide letter dated 07.11.2017 (*Annex:-H*) the Working Paper alongwith supporting documents were requisitioned from the Respondent No.2. Consequently, on the recommendation of the Departmental Promotion Committee, Respondent No.3 was promoted as Private Secretary (BPS-16) (Acting charge basis) vide Notification dated 08.05.2018 (*Annex:-I*) and appellant was promoted as Senior Scale Stenographer (BPS-17) on Acting Charge basis vide Notification dated 19.04.2018 (*Annex:-J*).

6. **That** in the meanwhile, the decision was delivered by Respondent No.2 in a departmental appeal filed by one Mr. Sajjad Ahmad against the order of Deputy Commissioner, Swabi, wherein the Deputy Commissioner Swabi had allowed seniority to one Mr. Babar Hayat on the basis of his merit position in the merit list and seniority on Mr. Sajjad Ahmad on the basis of his age factor was set aside (relevant documents (*Annex:-K*)).
7. **That** consequently appellant also made a Request on 26.10.2018 (*Annex:-L*) for providing the merit list so as to ascertain his merit position as he believed that his merit position was better than Respondent No.3 but still Respondent No.3 was placed senior to appellant on account of his age factor and accordingly Merit List (*Annex:-M*) was provided wherein appellant came to know that he was at the top of Merit List and therefore should have been senior to Respondent No.3. Accordingly, Departmental Representation was preferred to Respondent No.1 on 06.11.2018 (*Annex:-N*) through proper channel for his grant of seniority and promotion which was processed and comments were called from the Respondent No.2 who submitted the same vide letter dated 14.12.2018 (*Annex:-O*), however, the appeal was dismissed vide impugned appellate order dated 21.12.2018 (*Annex:-P*) communicated on 02.01.2019.
8. **That** appellant, being aggrieved of the impugned appellate order dated 21.12.2018 communicated on 02.01.2019, challenged the same through this appeal inter-alia on the following grounds:-

**Grounds:**

- A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. **That** Respondent No.3 is an established junior to the appellant as is evident from the seniority list ibid and therefore was not entitled for such promotion but due to clandestine efforts, he was promoted to the higher grade in violation of the law and rules by depriving the appellant from her due rights.
- C. **That** the appellant has been discriminated inas much as he being entitled to the subject promotion was deprived of the same and at his cost, Respondent

No.3 was unlawfully promoted which has resulted in serious miscarriage of justice.

- D. **That** clear discrimination has been meted out towards the appellant by the Respondents. It would not be out of place to add here that under similar circumstances, the office of the Deputy Commissioner Swabi has granted seniority on the basis of Merit List and not on the basis of age factor, therefore, appellant is also entitled to be treated at par with the same employees.
- E. **That** as per Rule-17(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 *The seniority inter se of civil servants appointed to service, cadre or post shall be determined in case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or, as the case may be, the Departmental Selection Committee; provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons to the persons selected in a later selection.* Hence appellant was at better position than Respondent No.3 in the merit list and as per law, appellant is an established senior to him.
- F. **That** appellant would like to offer some other 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.

Through

*AKS*  
Appellant

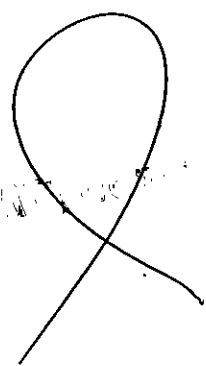
**Khaled Rahman,**  
Advocate,  
Supreme Court of Pakistan

25.3.2009

ردیف	تفصیلات	تاریخ	مقام	نمبر
1	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	19	ٹی بی ایس 15	(1) سٹیز
2	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	14	ٹی بی ایس 14	(2) آئس
3	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	14	ٹی بی ایس 14	(3) اسٹیز
4	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	12	ٹی بی ایس 12	(4) کیمپس
5	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	12	ٹی بی ایس 12	(5) سٹیز
6	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	7	ٹی بی ایس 7	(6) سٹیز
7	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	4	ٹی بی ایس 4	(7) سٹیز
8	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	4	ٹی بی ایس 4	(8) سٹیز
9	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	4	ٹی بی ایس 4	(9) سٹیز
10	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	4	ٹی بی ایس 4	(10) سٹیز
11	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	1	ٹی بی ایس 1	(11) سٹیز
12	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	1	ٹی بی ایس 1	(12) سٹیز
13	ایمرٹا بند ٹارٹ وٹا ٹینگ ہولڈنگز پبلک لمیٹڈ 40080 مل	1	ٹی بی ایس 1	(13) سٹیز

محمد خالد خان عمرزئی کسٹمر مردان ڈویژن مردان

25.3.2009



OFFICE OF THE COMMISSIONER MARDAN DIVISION, MARDAN.

*Annex B*

ORDER

Consequent upon the recommendation of the Selection Committee Mr. Mohammad Ibrahim s/o Farhad Khan r/o Mohallah Sadullah Khan Koroona Redi Gul Bari Cham Mardan is offered employment against the temporary post of Junior Scale Stenographer (BPS-12) in Commissioner's office on the following terms and conditions:

- 1- His/ services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vice NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
- 2- His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay allowances shall be forfeited to the government.
- 3- He will be governed by such rules and regulations as may be issued from time to time by the government.
- 4- He will remain on probation for a period of one year extendable to another year in terms of Section -6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
- 5- The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
- 6- He shall be bound to accept his adjustment/absorption on any of the department/offices in Mardan Division as ordered by the Competent Authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective District of Domicile (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his/her arrival in the office of the undersigned within seven (07) days of receipt of this letter, otherwise, the appointment would be considered cancelled.

-sd-

Commissioner Mardan Division,  
Mardan.

No.02/01/EA/ACR/ 1312-14

Dated Mardan the 29/06/2009

Copy forwarded to:-

- 1- District Accounts Officer Mardan.
- 2- PS to Commissioner Mardan Division Mardan.
- 3- Mr. Mohammad Ibrahim s/o Farhad Khan r/o Mohallah Sadullah Khan Koroona Redi Gul Bari Cham Mardan

Assistant to Commissioner (Rev.)  
for Commissioner Mardan Division,  
Mardan.

*B*  
ATTESTED

*B*

130

-7

OFFICE OF THE COMMISSIONER MARDAN DIVISION, MARDAN.

ORDER

Consequent upon the recommendation of the Selection Committee Mr. Ihsanullah s/o Habib ur Rehman Village Bahadur Killay Tehsil & P.O. Takht Bhai District Mardan is offered employment against the temporary post of Junior Scale Stenographer (BPS-12) in Commissioner's office on the following terms and conditions/

1. His/ services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vice NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay allowances shall be forfeited to the government.
3. He will be governed by such rules and regulations as may be issued from time to time by the government.
4. He will remain on probation for a period of one year extendable to another year in terms of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
6. He shall be bound to accept his adjustment/absorption on any of the department/offices in Mardan Division as ordered by the Competent Authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective District of Domicile (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his/her arrival in the office of the undersigned within seven (07) days of receipt of this letter, otherwise, the appointment would be considered cancelled.

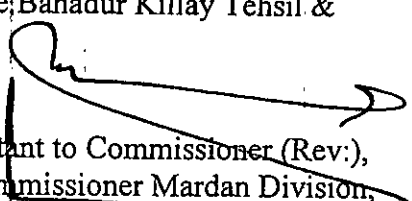
-sd-

Commissioner Mardan Division,  
Mardan.

No.02/01/EA/ACR/1303-05 Dated Mardan the 27/06/2009.

Copy forwarded to:-

- 1- District Accounts Officer Mardan.
- 2- PS to Commissioner Mardan Division Mardan.
- 3- Mr. Ihsanullah s/o Habib ur Rehman Village Bahadur Killay Tehsil & P.O. Takht Bhai District Mardan.

  
Assistant to Commissioner (Rev.),  
for Commissioner Mardan Division,  
Mardan.

B

  
ATTESTED

**FINAL SENIORITY LIST OF JUNIOR SCALE STENOGRAPHER (BPS-14) OF MARDAN DIVISION AS  
STOOD ON 31-12-2014**

S. NO	Name of Official	Qualification	Date of Birth	Date of first Appointment	Date of Appointment to the present post	Date of Adjustment	Place of Posting	Remarks
1-	Mr. Sabz Ali Khan	BA	19-04-1957	28-08-1988	03-09-1988	Continued in service and adjusted in DCO Office on 30-07-2001 vide letter No 326-30/12/DCO	DCO Office, Swabi	With reference to the E & A Deptt: Khyber Pakhtunkhwa letter No SOR-V(E&AD)1-4/2008 dated 11-02-2013
2-	Mr. Jan Nabi	BA	30-12-1958	28-08-1988	05-09-1988	-do-	-do-	
3-	Mr. Jahanzeb	FA	01-05-1964	26-01-1983	26-01-1983	Adjusted in DCO Mardan on 01-08-2001 vide letter No 1055-57/DCO (M)	EDO (F & P), MDN	
4-	Mr. Bahadar Khan	MA	05-01-1963	20-04-1982	20-04-1982	-do-	DCO Office Mdn	
5-	Mr. Ihsan Ullah	FA	20-11-1959	18-12-1980	01-04-1994	08-12-2001	-do-	
6-	Mr. Habib Ur Rahman	MA	09-04-1967	09-08-1987	09-08-1987	09-10-2002	-do-	
7-	Mr. Fazal Nawaz	Matric	27-03-1964	18-01-1992	19-05-2003		DO (R&E) Office Mardan	
8- ✓	Mr. Muhammad Ibrahim	BA*	01-04-1979	30-06-2009	30-06-2009		Commissioner Office Mdn	
9- ✓	Mr. Ihsan Ullah-2	MA	02-03-1984	30-06-2009	30-06-2009		-do-	

*Danish Wani*  
Assistant to Commissioner (Rev)  
Mardan Division Mardan

**ATTESTED**

2014

28

Departments

DC, Mardan

-do-

-do-

-do-

Commissioner  
Office Mdn

-do-

-do-

-do-

Commissioner (Rev)  
on Mardan

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

128

NOTIFICATION  
Peshawar, dated 23/01/2015

11/135/SSRC/2033.

In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West-West Frontier Province Civil Servants (Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Revenue and Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions in column 3 to 5 of the appendix to the notification which shall be applicable to post born in the cadre of Commissioners Specified in Column 2 of the annexed Appendix:-

AMENDMENTS

Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
Superintendent (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) with five years service as such in the offices of Commissioners of the Division concerned.
Private Secretary (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least five years service in the offices of Commissioners, Deputy Commissioners and Political Agents of the Division concerned.
Accounts Officer (BPS-16)			By transfer from the Treasury Department/ Accountant General Office Khyber Pakhtunkhwa. Provided that an official earlier adjusted from surplus pool will be considered as rightly adjusted.

Amended 9

S



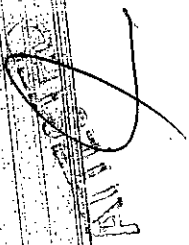
Name of post with	prescribed qualification	Age	Method of recruitment
(BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Junior and Senior Clerk in the Office of Commissioner of Division concerned; and (b) twenty five percent by initial recruitment.
Senior Scale Stenographer (BPS-16)	(i) At least Second Class Bachelor's Degree, from a recognized University; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and knowledge of computer using MS Word, MS Excel.	20 to 32 years.	(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers with atleast five years service as such in the offices of Commissioners concerned; and (b) forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the office of Commissioner concerned. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
Stenographer (BPS-14)	(i) At least second class Intermediate or equivalent qualification from a recognized Board (ii) A speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and Knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.
Senior Clerk (BPS-14)		....	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the offices of Commissioner concerned with at least two years service as such
Head Vernacular Clerk / Head Clerk (BPS 14).		....	(a) By transfer from amongst Senior Clerk (BPS-14) of the offices of Commissioner and Deputy Commissioner having at least one year experience of Revenue and Land acquisition matters; or (b) Naib Tehsildars (BPS-14) of the Division concerned.

2/10

112/9

Handwritten signature or initials.

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
7.	Computer Operator (BPS - 12)	i. At least second Class Bachelor Degree in Computer Science/ Information Technology (BCS/BIT four years), from a recognized university; or ii. At least Second Class Bachelor's Degree from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education.	18-28 Years.	By initial recruitment.
8A	Caretaker (BPS-11).	At least second class Bachelor Degree or equivalent qualification from recognized university alongwith Certificate / Diploma in Housekeeping / hotel management from a recognized institute.	18-30 Years.	By initial recruitment.
8.	Junior Clerk (BPS - 11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	18 - 30	a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the Division concerned with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty seven percent by initial recruitment.  <b>Note:</b> For the purpose of promotion there shall be maintained a common seniority list of Qasids and Naib Qasids etc with reference to the date of their regular appointment:  Provided that no separate seniority list of matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment:  Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
9.	Driver BPS - 4)	Literate having LTV driving license issued by the competent authority. preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 - 32 years	By initial recruitment.

  
 [Signature]

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
10A	Cook / Waiter (BPS-4)	Literate with three years practical experience in any hotel or guest house as cook / waiter.	18-32 Years.	By initial recruitment.
10B	Qasid		---	By promotion on the basis of seniority-cum-fitness, from amongst the Naib Qasids with two years service as such."; and
10.	Naib Qasid / Chowkidar / Behishti / Mali / Sweeper (BPS - 01)	Literate	18-32 Years.	By initial recruitment.

21

Sd/-  
 SECRETARY TO GOVERNMENT  
 REVENUE AND ESTATE DEPARTMENT

ATTESTED

-13

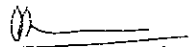
132

133058NOV084-75

Copy for action for information and necessary action to the:-

- Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
- Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- Secretary to Government of Khyber Pakhtunkhwa Law Department.
- Secretary Khyber Pakhtunkhwa Public Service Commission.
- Registrar, Peshawar High Court.
- Commissioner General Khyber Pakhtunkhwa.
- All Commissioners / Political Agents in Khyber Pakhtunkhwa.
- All Deputy Commissioners, Khyber Pakhtunkhwa.
- Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
- Ministerial Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

ATTESTED



DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

JSS  
SSS-16

Amir E

- 14

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 22 /12/2015

NOTIFICATION

No. EST/HDPS: \_\_\_\_\_ On the recommendation of Departmental Promotion Committee, the following Junior Scale Stenographer (BS-14) and Computer Operators (BS-12) of the offices mentioned against their names are promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

S.No.	Name and Designation	Office	Promoted
	Mr. Hukhar Ali Junior Scale Stenographer	Commissioner Office, Malakand	Senior Scale Stenographer (BS-16)
	Mr. Muhammad Ibrahim Junior Scale Stenographer	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16)
	Mr. Naveed Ali Khan Computer Operator	Commissioner Office, Bannu	Senior Scale Stenographer (BS-16)
	Mr. Muhammad Ishtiaq Computer Operator	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16)

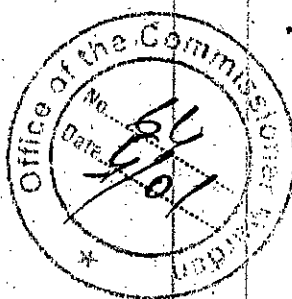
On promotion, they will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules-1989.

Sd/-  
Senior Member

Est/No. Est/HDPS: 28593-97

Copy forwarded to the:-

- Commissioners of the respective Divisions.
- Deputy Commissioners of the respective Districts.
- District Accounts Officers of the respective Districts.
- Officials concerned.
- Office Order File.



ATTESTED  
5/12/15

Secretary-I

E

- 15

To

The worthy Commissioner  
Mardan Division Mardan.

Annex "F"

Subject: REQUEST FOR PROMOTION/PRESENTATION

R/Sir,

With due respect it is stated that I have been appointed as Junior Scale Stenographer on 30<sup>th</sup> June, 2009 and working as PS to Commissioner in PS Branch. The Board of Revenue held DPC meeting regarding promotion of Junior Scale steno to the post of Senior Scale Steno (copy enclosed) wherein Muhammad Ishtiaq (Computer Operator) and Muhammad Ibrahim (J.S.Stenographer) were recommended and promoted (Copy of Order enclosed as Annexure "A").

It is pertinent to mention that the post of PS to Commissioner is lying vacant since 2014 after retirement of Samin Jan (Ex-PS) (copy enclosed as Annexure 'B'), Now both officials are likely to complete two years service and they would be eligible for further promotion to the post of PS on acting charge basis in light of APT Rules 1989, Khyber Pakhtunkhwa.

It is therefore requested/prayed that the case for promotion of senior Scale Stenographer to the post of PS & Junior Scale Steno to the post of Senior scale Stenographer may be forwarded to Board of Revenue, Khyber Pakhtunkhwa, for further process please.

I shall be very thankful to you.

Dated: 18.10.2017

Yours Obediently

Ihsanullah (J.S.S)

18/10/17

*Handwritten notes:*  
AOL  
Kinnas  
and  
18/10

*Handwritten notes:*  
Discussed  
Put up DFA  
for approval to SMBR  
on  
19/10

ATTESTED  
*(Signature)*



# OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>

Address: Opposite Town Hall,  
Near College Chowk Mardan

Phone: 0937-9230572-73

Fax: 0937-9230578

Email: commissionermrd@yahoo.com

16

No. 946 /ACR/EA/2-10

Dated Mardan the 19/10/2017

To,

The Senior Member  
Board of Revenue, Revenue & Estate Department  
Khyber Pakhtunkhwa Peshawar.

Annex 'G'

Subject: **Request for Promotion/Presentation.**

I am directed to refer to the subject noted above and to enclose herewith a copy of application of Mr. Ihsanullah (Junior Scale Stenographer) of this office on the subject noted above and to state that the post of Private Secretary to Commissioner Mardan Division is lying vacant since 2014 after the retirement of Ex-PS Mr. Samin Jan.

Currently two Senior Scale Stenographers (Mr. Ishtiaq and Mr. Muhammad Ibrahim) and one Junior Scale Stenographer (Mr. Ihsanullah) are performing their duties in this office. The Senior Scale Stenographers were promoted on 22/12/2015 and their eligibility period will be completed for further promotion for the post of Private Secretary on acting charge basis on 22/12/2017.

It is therefore requested that the post of PS to Commissioner be filled through promotion from the two Senior Scale Stenographers of this office. Similarly Junior Scale Stenographer be promoted to Senior Scale Stenographer on acting charge basis.

  
Assistant to Commissioner (Rev/GA)  
Mardan Division Mardan

Copy forwarded to:

1- PS to Commissioner Mardan Division Mardan.

  
**ATTESTED**





GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Estt:II/ DPC/Mardan/ 24355  
Peshawar dated the 07/11/2017

- 17

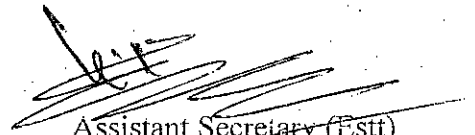
To

The Commissioner,  
Mardan Division, Mardan.

Annex "H"

SUBJECT: REQUEST FOR PROMOTION/ PRESENTATION.

I am directed to refer to your letter No.946/ACR/EA/2-10, dated 19.10.2017, on the subject and to request you to forward working paper complete in all respect alongwith supporting documents for promotion of Senior Scale Stenographer (BS-16) to the post of post of Private Secretary on acting charge basis to enable this department to place the case before Departmental Promotion Committee for consideration please.

  
Assistant Secretary (Estt)



ATTESTED

CG H



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 02/05/2018

Annex "I" - 18

NOTIFICATION

No. Estt./H/DPC/Com/Mardan/\_\_\_\_\_ On the recommendation of Departmental Promotion Committee, Mr. Muhammad Ibrahim, Senior Scale Stenographer (BS-16) of the office Commissioner Mardan Division is promoted as Private Secretary (BS-17) on acting charge basis with immediate effect.

Consequent upon his promotion, he is posted as Private Secretary in the office of Commissioner Mardan Division against the vacant post.

By order of  
Senior Member

No. Estt./H/DPC/Com/Mardan/2172-03

Copy forwarded to:-

1. Commissioner Mardan Division
2. District Accounts Office Mardan
3. Officials concerned

*[Handwritten signature]*

277 2798  
10-5

*[Handwritten signature]*

I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 19/04/2018

*Annex J<sup>3</sup> 19*

NOTIFICATION

No. Estt:II/Promotion of JSS to SSS/\_\_\_\_\_ On the recommendation of Departmental Promotion Committee, Mr. Ihsan Ullah Junior Scale Stenographer office of the Commissioner, Mardan Division is appointed as Senior Scale Stenographer (BS-16) on Acting Charge Basis with immediate effect.

By order of  
Senior Member

End: No. Estt:II/Promotion of JSS to SSS/ 18906-8

Copy forwarded to the:-

- ✓ 1. Commissioner, Mardan Division, Mardan
2. District Accounts Officer, Mardan.
3. Official concerned.

*[Signature]*  
Assistant Secretary (Estt.)

**ATTESTED**

Estt:II-2-3  
1978

20 Apr 2018 10:21 AM PT



Annex "K" 20

**OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN**

Website: <http://sites.google.com/site/commissionerMardandivision>  
Address: Opposite Town Hall,  
Near College Chowk Mardan  
Phone: 0937-9230572-73  
Fax: 0937-9230578  
Email: commissionermd@yahoo.com

**OFFICE ORDER**

Reference to application received from Mr. Sajjad Ahmad, Junior Scale Stenographer, (BPS-14), Deputy Commissioner Swabi against tentative Seniority list of Junior Scale Stenographer issued by DC, Swabi. The said Tentative Seniority list has been prepared in light of Departmental Selection Committee merit list at time of selection of Junior Scale Stenographer at Deputy Commissioner office Swabi according to Section 17(1)(a) civil servant, appointment, Promotion and Transfer rules 1989 Khyber Pakhtunkhwa Peshawar. Hence the decision of Deputy Commissioner Swabi is accepted. Your appeal holds no grounds and hence filed in light of Para 17(1)(a) of Civil servant APT rules 1989.

-sd-  
Commissioner  
Mardan Division Mardan


No. 2426 /SEC/EA/2-1

Dated Mardan the 31 /10/2018

Copy forwarded to:

- 1- Deputy Commissioner Swabi.
- 2- PS to Commissioner Mardan Division Mardan.
- 3- Official concerned.

  
Secretary to Commissioner  
Mardan Division Mardan





- 21

**OFFICE OF DEPUTY COMMISSIONER SWABI.**

Tel: 0938-221300

email: dcswabi@yahoo.com

fax: 0938-221917

No 3953 /DC(S)/16-EA

Dated 20 /08/2018

To:

Mr. Sajjad Ahmad,  
Junior Scale Stenographer,  
DC Office, Swabi.

Subject:

**OBJECTION ON PLACEMENT IN SENIORITY LIST OF JUNIOR  
SCALE STENOGRAPHERS, DC OFFICE, SWABI.**

Memo:

Your application/ objection dated. 11.07.2018 over placement of your name at Serial No. 02 in the Seniority List Junior Scale Stenographer, of this office was examined and filed in light of para 17(1) (a) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 due to the reason that in the merit list, you appear at serial No.02 according to the merit assigned in the Departmental Selection Committee.

DEPUTY COMMISSIONER  
SWABI

20/8/2018

**TESTED**



- 22

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT**

Peshawar dated the 03 /01/2019

**NOTIFICATION**

No. Estt: II/DPC/ \_\_\_\_\_ . On the recommendation of Departmental Promotion Committee. Mr. Babar Hayat, Junior Scale Stenographer (BS-14) office of the Deputy Commissioner Swabi is hereby appointed as Senior Scale Stenographer (BS-16) on Acting Charge Basis with immediate effect.

By order of  
Senior Member

No. Estt: II/DPC/ 334-36

Copy forwarded to the:-

1. Deputy Commissioner Swabi.
2. District Accounts Officer Swabi.
3. Official concerned

  
Assistant Secretary (Estt.)

**ATTESTED**



**OFFICE OF DEPUTY COMMISSIONER SWABI**

Tel: 0238-221300 Email: dcswabi@yahoo.com Fax: 0238-221917

No. 4053/DC(S)/17-EA

Dated 4/09/2018

-23 3/k

To:

The Commissioner,  
Mardan Division, Mardan.

Subject: **OBJECTION ON PLACEMENT IN SENIORITY LIST OF JUNIOR SCALE STENOGRAPHERS DC OFFICE SWABI.**

Memo:

Kindly refer to your letter 1766/Sec/EA/2-1 dated 29/08/2018 on the subject noted above.

In this connection a copy of Notification No.20/4/ Estt: 1/II/135/SSRC dated 23/01/2015 issued by Govt: of Khyber Pakhtunkhwa Revenue & Estate Department Peshawar is forwarded herewith. In the said Notification criteria of Selection/Recruitment has been given against the post of Stenographer BPS-14 appearing at serial No.5.

As regard detail of marks obtained at the time of Selection of Stenographer, a copy of the list of candidates for the post of stenographer BPS-14 with merit order is also forwarded herewith as annexure "A" please.

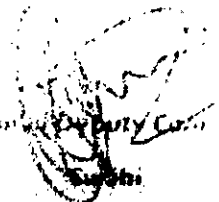
DEPUTY COMMISSIONER,  
SWABI

Sec. E.A  
Examine & discuss.  
107/09

7088  
29/08

TABLE 11 / ...

No.	Name	Father's Name	Village	
1	<del>...</del>	...	...	
2	...	Abdul Hadi	...	
3	Wahid Zuhri	...	...	
4	Muzahid	Abdul Ali	...	
5	Ichsan Ud Din	...	...	
6	Sulthan Alhadi	Ashlag	...	
7	...	...	...	
8	M. Jawad Zuhri	...	...	
9	...	...	...	
10	Majid Zuhri	...	...	
11	...	...	...	
12	...	...	...	
13	Meraq Muhsin	...	...	
14	...	...	...	

Additional Deputy ...  


**ATTESTED**

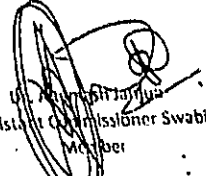
*[Handwritten mark]*

- 25


List of Candidates for the post of Steno Grapher with merit order

Sl. No	Name of Candidate	Father's Name	Total Marks obtained	Pass/Fail	Qualification	Division	Interview Marks	Remarks
9	Babar Hayat	Akandar Hayat	80	P	M.A	2nd	7	BA 2 <sup>nd</sup> Division
11	Wajad Ahmad	Abdul Hadi	70	P	M.Com	2nd	7	
12	Wahid Zaman	Mir Was Khan	65	P	B.Com	2nd	5	
16	Nizar Ali	Atsar Ali	60	P	M.A	2nd	3	
21	Khan UC dila	Qutbud Din	50	P	M.A	1st	3	
17	Salman Ahmad	Ishaq Ahmad	35	F	BBA			
13	Shahzad	Aurengzeb	35	F	B.Com			
7	M. Jawad Zeb	Jehan Zeb	35	F	B.Sc.			
10	Asfandyar Ahmad	Muhammad Sardar		F	B.A			
19	Majid Khan	Muhammad Ishaq		F	M.Sc.			
8	Muhammad Hamid Zeb	Jehanzeb Khan		F	M.Sc.			
12	Shamjad Ali	Zarshad		F	BS(Hons)			
13	Shah Faisal	Ghani Muhammad		F	M.Sc.			
14	Meroj Muhammad	Asar Khan		F	M.Sc.			
15	Tanzeerullah	Habibulgh		F	B.A			

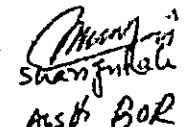
Interview Committee

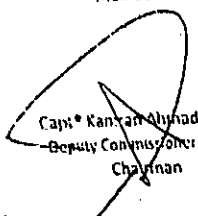
  
 Assistant Commissioner Swabi  
 Member

  
 Assistant Commissioner Lahor  
 Member

  
 Intiaz Ahmad  
 Superintendent  
 Member

  
 Sahib Zada  
 Head Clerk  
 Member

  
 Asst. B.O.R  
 Ref:

  
 Deputy Commissioner Swabi  
 Chairman

ATTESTED



The Worthy Commissioner,  
Mardan Division Mardan.

Annex L

Subject: PROVISION OF RECORD UNDER RIGHT TO INFORMATION ACT-2013

- 26

Sir,

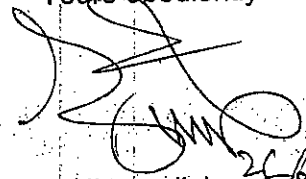
With reverence it is stated that the following documents are required for my personal record under RTI Act-2013.

1. Photo copy of Minutes of DSC meeting held in June, 2009 for Junior Scale Stenographer posts appointment.
2. Photo copy of Final Merit list for junior scale stenographer appointment. i.e. June, 2009.
3. Higher Education details of Mr. Ibrahim during selection time / merit list presently working as PS in commissioner Office, Mardan Division
4. All Seniority Lists for Junior Scale Stenographer of Commissioner office Mardan Division issued from time to time.

It is therefore, requested to issue directions to PIO to provide photo copies of above documents please.

Dated: 26.10.2018

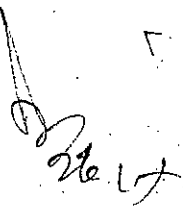
Yours obediently

  
Ihsanullah 26/10/18

S/S Stenographer BPS-16

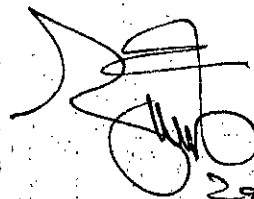
Secy

Allowed

  
26/10

Information received

on 29-10-2018

  
29/10/18

ATTESTED

101

L

ATTESTED

114

A

Annex M

95

Jr. Scale Stenographers BPS-12																		
Intermediate Shorthand/Typing Speed 80/40 Per Minute																		
S.No	A.No	Name of App.	Father Name	Domi	Qualification						Higher Qualification (6,8,10)	Experience (4,7,10)	Test (20)	Interview (08)	Total (100)	Remarks		
					Matric			FA/FSc										
					1st	2nd	3rd	1st	2nd	3rd								
1	52	Ihsanullah	Habib ur Rehman	Mardan		18				18			8		9	5	58	T.S. 40 S.H. 80
2	9	M. Ibrahim	Farhad Khan	-do-		18				18			6		8	4	54	T.S. 40 S.H. 80
3	36	Raheem Dad	Haji Afzal Khan	-do-		18				18			6		0	0	42	T.S. 45 S.H. 90
4	2	Shah Fahad	Gul Nabi	-do-		18				18					3	2	41	T.S. 40 S.H. 80
5	29	Fayaz Ali	Hamayun Khan	-do-		18				18					A	A	36	M.S. Office + T.S.
6	54	Johar Iqbal	Jehan Gul	-do-		18				18					A	A	36	T.S. 35+M.S. Office
7	63	Nasir Khan	Abdul Ghafoor	-do-		18				12	6				A	A	36	T.S. 35+M.S. Office
8	58	M. Taimoor	Muhammad Inam	-do-		18									2	3	35	T.S. 40 S.H. 80
9	40	Shahid Akbar	Akbar Zada	-do-						12					4	3	31	M.S. Office + S.H.
10	6	Wajid Ali	Abdul Aziz	-do-						12					0	1	25	T.S. 40 S.H. 80

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

Annex - A

M

The Worthy Senior Member Board of  
Revenue & Estate Department,  
Khyber Pakhtunkhwa, Peshawar.

-28

Annex N<sup>o</sup>

Through Proper Channel

Subject: DEPARTMENTAL APPEAL UNDER KHYBER PAKHTUNKHWA, CIVIL  
SERVANT APPEAL RULES 1986

R/Sir,

1. It is most humbly submitted that the appellant applied alongwith other fellow candidates including Mr. Muhammad Ibrahim for the post of Junior Scale Stenographer in Commissioner office Mardan Division Mardan and after test and interview, the appellant and Mr. Ibrahim were selected for the post of Junior Scale Stenographer in the same batch on 29.06.2009 on the basis of merit. (Copy of merit list as Annex-A). In pursuance of the selection process, appellant and Mr. Muhammad Ibrahim were appointed as Junior Scale Steño BPS-12. (Copy of appoint order as Annex-B).
2. After the lapse of sometime two posts of Senior Scale Stenographers (BS-16) fell vacant in the promotion quota in commissioner Office, Mardan Division and according to service Rules governing the post, these posts were to be filled from Junior Scale Stenos/Computer Operators of commissioner Office Mardan (Copy of Service rules as Annex-C). Therefore joint seniority lists was prepared and on the basis of seniority cum fitness, Mr. Muhammad Ibrahim was promoted to the post of Senior Scale Stenographer (BS-16) on recommendations of Departmental Promotion committee. (Copy of Seniority List dated 31.12.2014 and promotion order dated 22.12.2015 as Annex-D & E).
3. Then on the superannuation of Mr. Samin Jan PS to Commissioner Mardan Division the post of PS to Commissioner Mardan Division fell vacant and on 08.05.2018, Mr. Muhammad Ibrahim who had by that time about two years experience was therefore promoted not on regular basis but on acting charge basis. (Copy of Seniority list dated 31.12.2015 and promotion order as Annex-F & G). Thus Mr. Muhammad Ibrahim vacated the post of Senior Scale Stenographer (BS-16) due to his promotion on acting charge basis to the post of PS to Commissioner (BS-17) on 08.05.2018.
4. it came into knowledge of the appellant on 29.10.2018 that in the initial recruitment on the basis of test and interview held on 25.06.2009, the appellant had obtained 58 marks out of 100 and Mr. Muhammad Ibrahim had obtain 54 marks out of 100 as per merit list prepared by the competent Authority as Annexed -A above. Even, otherwise, at that time, due to higher Education qualification of MA of the appellant, Mr. Muhammad Ibrahim could not have obtained higher merit position. however, in violation of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules 1989, Rule-

Secy

6/11/18

ATTESTED

(18)

N

17, Sub Rule (I), the appellant was declared junior to Mr. Muhammad Ibrahim through out. It will be appropriate to mention here that Rule-17 sub Rule (I) of the ibid rules provides that the seniority inter se of civil servants (appointed to a service, cadre or post) shall be determined:-

- 29

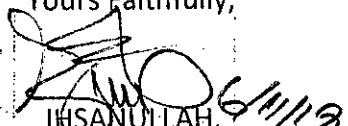
(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission {or as the case may be, the Departmental Selection Committee:} provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection:

5. it is also provided in law that limitation of time of appeal runs from the date of knowledge and the efflux of time does not make any thing legal which is otherwise illegal, therefore, the Appellate Authority has powers to do justice and undo a wrong, therefore, it is requested that appellant may be declared senior in light of the above rules which avoided the attention of the competent Authority at that time while determining the seniority of the appellant vis a vis Mr. Muhammad Ibrahim presently serving as PS to Commissioner Mardan Division on acting charge basis.
6. It merits attention here that another post of Private Secretary (BS-17) is lying vacant in the office of Deputy Commissioner, Mardan and the appellant is eligible for promotion to the post of PS to Deputy Commissioner on acting charge basis and thus the balance of convenience also lies in favour of the appellant.
7. The appellant having being deprived of seniority and consideration of promotion to the post of PS to Commissioner on 22.12.2015 and now PS to Deputy Commissioner, Mardan, therefore, on acceptance of the instant appeal, the appellant may be considered for promotion to the post of Senior Scale Stenographer (BS-16) on regular basis from the date when his junior got promoted as per sub para (II) of the Khyber Pakhtunkhwa, Promotion Policy 2009 as amended in 2017 (copy as Annex-H) and consistent Judgments of Hon'ble Supreme Court of Pakistan as reported in PLC (CS) 760 and 2006 SCMR 1938 (copy as Annex-I & J) on the subject issue.

Dated: 06.11.2018

**ATTESTED**

Yours Faithfully,

  
IHSANULLAH,

Senior Scale Stenographer,  
Commissioner Office, Mardan  
Division, Mardan.



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

No. 1368/SEC/EA/2-1

dated: 14 /12/2018

To

The Assistant Secretary (Estt), Board of  
Revenue & Estate Department,  
Khyber Pakhtunkhwa, Peshawar.

*Annexed "A" 30*

Subject: DEPARTMENTAL APPEAL UNDER KHYBER PAKHTUNKHWA,  
CIVIL SERVANT APPEAL RULES 1986.

Memo:

I am directed to refer to your office letter No. Estt:II/DPC/Mardan/39095 dated 12.12.2018 on the subject noted above and to state that the appellant and Mr. Muhammad Ibrahim both were appointed as junior scale stenographers as result of selection process on 29.06.2009. It is worth mentioning here that joint seniority list of junior Scale Stenographers of Commissioner and DCO offices of Mardan Division were issued on 31.12.2010. (Copy of joint seniority list as Annexed-"A").

Then amendments in Service Rules vide notification of Government of Khyber Pakhtunkhwa, Board of Revenue & Estate Department, Peshawar Estt:II/135/SSRC/2033, dated 23.01.2015 were issued whereby the seniority of junior scale stenographers in commissioner offices were separated from DC Offices and later on seniority list of Junior scale stenographer of commissioner offices were issued from time to time till December, 2015. (Copy of Seniority List as Annexed-"B"), wherein Mr. Muhammad Ibrahim was placed senior to appellant. The seniority of junior scale stenographers was never objected to till date.

Now the appellant has brought to the notice the fact that according to Khyber Pakhtunkhwa Appointment Promotion and Transfer Rules, 1989, Rules 17 Sub Rule (I) in case of appointment of a Civil Servant in initial recruitment, the seniority of selectees of the same batch shall be on the basis of merit. According to the merit list of the Junior Scale Stenographers Mr. Ihsanullah got total 58 marks out of 100 while Mr. Muhammad Ibrahim got 54 out of 100 marks.

Normally the seniority list of the selectee is based upon merit which is determined by the marks obtained in the initial recruitment, therefore, the present appeal may be considered on the general criteria of merit as done in Public Service Commission as well as other recruitment process.

*M. A. V.*  
Secretary to Commissioner,  
Mardan Division, Mardan.

C.C:

1. PS to Commissioner Mardan Division, Mardan.

*Handwritten signature*  
**ATTACHED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT

No. Estt. H/Seniority/List: 186  
Dated Peshawar the 02 / 01 / 2019

*Answer P<sup>2</sup>*

*- 31*

To

The Commissioner,  
Mardan Division Mardan.

SUBJECT: DEPARTMENTAL APPEAL.

I am directed to refer your letter No. 1368/SEC/EA/2-1 dated 07/03/2018 and to enclose copy of order dated 21.12.2018 passed by Senior Member Board of Revenue for your information please.

Assistant Secretary (Estt)

Secy

*E.A*

*27/1/19 No 36/1*



**ATTESTED**

*P*

**BEFORE THE SENIOR MEMBER BOARD OF REVENUE  
KHYBER PAKHTUNKHWA**

Ihsanullah ..... Appellant  
Versus  
Muhammad Ibrahim ..... Respondents

*Answer Q<sup>2</sup>*

**ORDER**

The instant Departmental Appeal filed by Mr. Ihsanullah Senior Scale Stenographer, office of the Commissioner Mardan Division, against the seniority of Mr. Ibrahim Junior Scale Stenographer now promoted as Private Secretary BS-17.

Facts of the case are that the appellant as well as Mr. Muhammad Ibrahim was appointed as Junior Scale Stenographer on 30.06.2009 in the office of Commissioner Mardan. In the seniority list of Junior Scale Stenographer, the appellant was placed junior to Muhammad Ibrahim Junior Scale Stenographer, the appellant filed the instant appeal on 06.11.2018 after a lapse of 08 years against the seniority list of Mr. Muhammad Ibrahim Private Secretary BS-17.

Perusal of available record and comments obtained from Commissioner Mardan, the appellant was appointed in the year, 2009, but he has never challenged the seniority of Muhammad Ibrahim uptill 2017. Beside, the respondent Muhammad Ibrahim was promoted as Senior Scale Stenographer on 22.12.2015 while the present appellant remained acquiescent for more than two years. Seniority list has been issued from time to time which has never been assailed by present petitioner/ appellant. The present appellant is relying on screening test marks which are not the sole determinant in selection.

Keeping in view the above, the instant Departmental Appeal is badly time barred and having no legal ground, hence dismissed.

Announced  
21.12.2018

*M. Zulair*  
Fakhre Alam  
Senior Member

**ATTESTED**

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Masnullah

Appellant(s)/Petitioner(s)

VERSUS

Court

Respondent(s)

I/We Appellant do hereby appoint **Mr. Khaled Rehman**, Advocate, Supreme Court in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

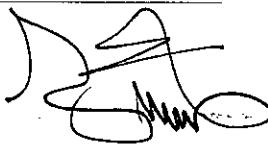
- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

**Khaled Rehman,**  
Advocate,  
Supreme Court of Pakistan

4-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458



Signature of Executants



# Before Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 148/19

Mr. Ihsan Ullah, Senior Scale Stenographer (ACB)  
Commissioner Office Mardan.

(Appellant)

Versus

1- Senior Member Board of Revenue Department Khyber Pakhtunkhwa Peshawar.

2- Commissioner Office Mardan Division.

3- Muhammad Ibrahim Private Secretary (ACB)

Commissioner Office Mardan.

(Respondents)

Reply/Parawise Comments on behalf of Respondent No. I and II.

Preliminary Objects:

- 1- As Appellant has got not cause of action.
- 2- The appeal is not maintainable in its present form.
- 3- The appellant has not come with clean hand to this honorable court.
- 4- The appellant has no locus standi to file the appeal.
- 5- This honorable tribunal has no justification to entertain the instant appeal.

Reply of Facts:

1- **Para-1 Incorrect.**

As the appellant hold Degree of Arts in Journalism & Mass Communication **(F-A)**. Two Posts of Junior Scale Stenographer (BPS-12) and other different cadres were advertised in the News Paper "Daily Mashriq" Peshawar on 25/03/2009 **(F-B)**. The Appellant, Respondent No. 03 alongwith 08 other candidates were short listed **(F-C)** for the said post of Junior Scale Stenographer (BPS-12). During selection process Practical test of Shorthand and Typing was conducted wherein appellant got 58 marks and Respondent no. 03 got 54 marks **(F-D)**. The concerned officials were appointed on the recommendations of Departmental Selection Committee not from the recommendations of Departmental Promotion Committee **(F-E)**.

2- **Para-2 Incorrect.**

After the appointment of the Appellant and Respondent No. 03, First Joint Seniority list of Junior Scale Stenographers of Commissioner Office Mardan Division, District Coordination Offices Mardan & Swabi was issued in 2010 **(F-F)**, wherein Respondent No. 03 was placed on number 08 and Appellant was placed on number 09. After that till the year 2014 Joint Seniority list of Junior Scale Stenographers of Commissioner Office Mardan Division, District Coordination Offices Mardan & Swabi were issued, copies enclosed **(F-G)** and the same were provided to all concerned/officials for observation and objection if any, Objections were received **(F-H)** and disposed off under Sub-Section-I of Section-08 of Establishment Code of Khyber Pakhtunkhwa **(F-I)**. While the appellant did not challenged the above mentioned Seniorities and remained calm.

3- **Para-3 Correct.**

4- **Para-4 Incorrect.**

Appellant, Respondent No. 3 and Mr. Muhammad Ishtiaq (Computer Operator) of this office submitted written application to worthy Commissioner Mardan Division for the purpose of promotion to the post of Senior Scale Stenographer BPS-16 according to new rules of Board of Revenue Khyber Pakhtunkhwa wherein 60% quota reserved for the promotion of Junior Scale Stenographer and 40% quota reserved for Computer Operator. Consequently promotions made as per the said rules and vide office order no. Estt:II /DPS/28593-97 issued on 22/12/2015 **(F-J)** and received to this office on 05/01/2016 **(F-K)**, before the receiving of the said office order of promotion on 31/12/2015 Seniority list of the post of Junior Scale Stenographer was issued wherein the previous position was retained **(F-L)**, after the assumption of the charge of the posts of Senior Scale Stenographer by the Respondent No. 3 and Muhammad Ishtiaq, computer

operator, (promoted to the mentioned post) revised Seniority list were issued, wherein appellant was placed in the seniority list of Junior Scale Stenographer (F-M) while the Respondent No. 3 and Muhammad Ishtiaq were placed in the seniority list of Senior Scale Stenographers (F-N). However, the appellant not challenged the said seniorities and remained calm.

**5- Para-5 Correct.**

However, that on the recommendation of Departmental Promotion Committee Respondent No. 3 was promoted to the post of Private Secretary to Commissioner Mardan Division (BPS-17) on Acting Charge Basis vide office order No. Estt:II/DPC/Com/Mardan/21721-23 dated 08/05/2018 and Appellant to the post of Senior Scale Stenographer BPS-16 on Acting Charge Basis order No. Estt:II/Promotion of JSS to SSS/18906-28 dated 19/04/2018. Therefore, the respective promotees i.e Appellant and Respondent No. 3 assumed the charges of the said posts and till now they are continuing their services on the said posts.

**6- Para-6 Correct.**

It is submitted that the case of Mr. Sajjad Ahmad and Mr. Babar Hayat was decided at initial stage of issuance of the seniority as the incumbents of Deputy Commissioner Office Swabi was appointed in the year 2014 and their first seniority list was issued in the year 2018, which was challenged by Mr. Sajjad Ahmad within time and disposed off in light of Para 17(1) a of Civil Servant APT Rules 1989 vide 2426/Sec/EA/2-1 dated 31/10/2018.

**7- Para-7 Correct.**

As per request of the appellant all documents were provided to him and he filed Departmental Representation to Respondent No. 1 which was disposed off with the remarks of Respondent No. 1 that **“the instant Departmental Appeal is badly time barred and having no legal ground hence, dismissed as the appellant and Respondent no. 3 were appointed as Junior Scale Stenographer on 30/06/2009, but he has never challenged the Seniority of Respondent No. 03 (Muhammad Ibrahim) up till 2017. Beside the respondent no.3 Muhammad Ibrahim was promoted as Senior Scale Stenographer BPS-16 on 22/12/2015 while the present appellant remained acquiescent for more than two years. Seniority list has been issued from time to time which has never been assailed by petitioner/appellant. The present appellant is relying on Screening Tests Marks which are not the sole determinant in Selection”**.

**8- Para-8 Correct.**

**Grounds:**

- A- The impugned order is based on facts and relevant law the Appellant and Respondent No. 3 were appointed in the year 2009 on the same date and their first seniority list for the post of Junior Scale Stenographer was issued in the year 2010 and till 2014 Respondent No. 3 was placed on top from the Appellant and in the year 2014 it was disclosed on the appellant that he may be on the top of merit list and should be senior to the Respondent No. 3 but the Appellant remained calm and casual.
- B- The Respondent No. 3 was promoted in the year 2015 and in the year 2017 as per seniority lists and this office has no comments regarding the use of clandestine efforts by the respondent no. 3, if the appellant have any evidence, he should produce in the court.
- C- The Respondent No. 3 was promoted after proper Departmental Promotion Committee Meetings on the basis of applications/requests of the Appellant to Respondent No. 1, and Respondent No. 2 for the promotion of his own and Respondent No. 3 in the years 2015 and 2017.


D- The seniority case of Deputy Commissioner Swabi was decided at initial stage and in the same cadre, while the Appellant has never challenged the seniority of Respondent No. 03 uptill 06/11/2018 and presently the cadre of the Appellant and Respondent No. 3 have also been changed as appellant is promoted to the post of Senior Scale Stenographer BPS-16 on acting charge basis and Respondent no.3 is promoted to the post of Private Secretary BPS-17 on acting charge basis. The present appellant is relying on Screening Tests Marks which are not the sole determinant in Selection and badly time barred.

E- In the year 2015 cadres of the appellant and respondent No. 3 have been changed and the appellant remained calm uptill 2017 which is badly time barred and having no legal grounds. Moreover, the present petitioner/appellant is relying only on screening test marks which are not the sole determinant in Selection.

F- There are two posts of Senior Scale Stenographer in Commissioner Office Mardan Division and two posts are in the offices of Deputy Commissioner Mardan and Swabi. It is added that the Posts of Senior Scale Stenographers of Deputy Commissioner Office Mardan & Swabi are filled and the post of Private Secretary to Commissioner Mardan Division is filled by Respondent No. 3, and the post of Private Secretary to Deputy Commissioner Mardan is lying vacant.

**It is therefore requested that appeal of the appellant may be dismissed with costs.**

  
Commissioner  
Mardan Division Mardan

  
Senior Member  
Board of Revenue & Estate  
Department Khyber Pakhtunkhwa  
Peshawar

7

University of Peshawar MA



Pakistan  
Detailed Marks Certificate  
Master of Arts in Journalism & Mass Communication  
Final  
Annual Examination 2008



Department of Journalism & Mass Communication, University of Peshawar

Name: IHSAN ULLAH  
Father's Name: HABIB UR REHMAN

Gender: Male Roll No: 7122  
Registration No: 2004-TBM-1782

Regular  
Division: 2nd

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
Broadcasting in Pakistan-VI	100	62	Sixty Two
Public Relations & Advertising-VII	100	40	Forty Only
Development Support Communication-VI	100	54	Fifty Four
Pakistan Affairs-IX	100	54	Fifty Four
Feature, Column & Editing Writing-X	100	61	Sixty One
Viva/Internship	100	58	Fifty Eight
Previous	500	261	Two Hundred and Sixty One
Final	1100	590	Five Hundred and Ninety

Errors & omissions are subject to subsequent rectification

The Examination was taken As a Whole  
Examination held From 09-Aug-2008 to 13-Sep-2008  
Result Declared on Thursday, February 5, 2009  
Issue Date: 06-Feb-2009  
6:16 pm

Chances Availed: 1

Attested

G.H.S. Jehangir Abad  
Takht Bhai (Mardan)

Prepared by Computer Cell

(Dr. Mohammad Shafi)

ADDITIONAL CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR

25.3.2009

درج ذیل درجہ اولیٰ کے تحت درج ذیل کاموں کی تفصیلات درج ذیل جدول میں درج ہیں۔

درجہ اولیٰ کے تحت درج ذیل کاموں کی تفصیلات	تعمیراتی سال	تعمیراتی سال	تعمیراتی سال
(1) سٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(2) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(3) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(4) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(5) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(6) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(7) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(8) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(9) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(10) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(11) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(12) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08
(13) آسٹریٹ لائٹنگ	2007-08	2007-08	2007-08

نوٹ: درج ذیل کاموں کی تفصیلات درج ذیل جدول میں درج ہیں۔

1. آسٹریٹ لائٹنگ

2. آسٹریٹ لائٹنگ

3. آسٹریٹ لائٹنگ

4. آسٹریٹ لائٹنگ

5. آسٹریٹ لائٹنگ

6. آسٹریٹ لائٹنگ

7. آسٹریٹ لائٹنگ

8. آسٹریٹ لائٹنگ

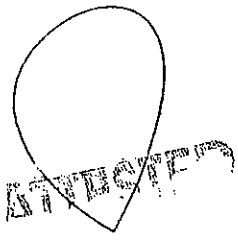
9. آسٹریٹ لائٹنگ

10. آسٹریٹ لائٹنگ

11. آسٹریٹ لائٹنگ

12. آسٹریٹ لائٹنگ

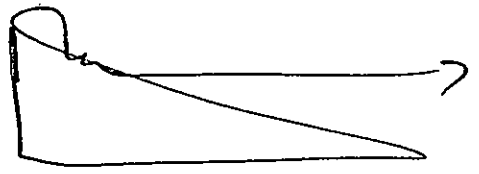
13. آسٹریٹ لائٹنگ



25.3.2009

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Jr. Scale Stenographers BPS-12																
Intermediate, Shorthand/Typing Speed 80/40 Per Minute																
S.No.	A.No.	Name of App:	Father Name	Domicile	Qualification						Higher Qualification (6,8,10)	Experience (4,7,10)	Test (20)	Interview (08)	Total (100)	Remarks
					Matric			FA/FSc								
					1st	2nd	3rd	1st	2nd	3rd						
1	2	Shah Fahad	Gul Nabi	-do-		18			18					36	T.S. 40 S.H. 80	
2	6	Wajid Ali	Abdul Aziz	-do-			12			12				24	T.S. 40 S.H. 80	
3	9	M Ibrahim	Farhad Khan	-do-		18			18		6			42	T.S.40 S.H. 80	
4	29	Fayaz Ali	Hamayun Khan	Mardan		18			18					36	M.S. Office + T.S.	
5	36	Raheem Dad	Haji Afzal Khan	-do-		18			18		6			42	T.S.45 S.H. 90	
6	40	Shahid Akbar	Akbar Zada	Mardan			12			12				24	M.S. Office + S.H.	
7	52	Ihsanullah	Habib ur Rehman	Mardan		18			18		8			44	T.S. 40 S.H. 80	
8	54	Johar Iqbal	Jehan Gul	-do-		18			18					36	T.S. 35+M.S. Office	
9	58	M Taimoor	Muhammad Inam	-do-		18				12				30	T.S. 40 S.H. 80	
10	63	Nasir Khan	Abdul Ghafoor	-do-		18				12	6			36	T.S. 35+M.S. Office	



*[Handwritten signature]*  
*[Handwritten signature]*

*[Handwritten signature]*

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A

ATTENDED

Jr. Scale Stenographers BPS-12													
Intermediate Shorthand Typing Speed 160/40 Per Minute													
S.No	A.No	Name of App.	Father Name	Domi.	Qualification			Higher Qualification (6,8,11)	Experience (4,7,10)	Test (20)	Interview (8)	Total (100)	Remarks
					Matric	1st	2nd						
1	52	Ihsanullah	Habibur Rehman	Mardan	18	18		8		9	5	58	T.S. 40 S.H. 80
2	91	M Ibrahim	Farnad Khan	-do-	18	18		6		8	4	54	T.S. 40 S.H. 80
3	36	Raheem Dad	Haji Afzal Khan	-do-	18	18		6		0	0	42	T.S. 45 S.H. 90
4	2	Shah Fahad	Gul Nabi	-do-	18	18				3	2	41	T.S. 40 S.H. 80
5	29	Fayaz Ali	Hamayun Khan	-do-	18	18				A	A	36	M.S. Office + T.S.
6	54	Johar Iqbal	Jehan Gul	-do-	18	18				A	A	36	T.S. 35+M.S. Office
7	63	Nasir Khan	Abdul Ghafoor	-do-	18		12	6		A	A	36	T.S. 35+M.S. Office
8	58	M. Taimoor	Muhammad Inam	-do-	18		12			2	3	35	T.S. 40 S.H. 80
9	40	Shahid Akbar	Akbar Zada	-do-		12	12			4	3	31	M.S. Office + S.H.
10	6	Wajid Ali	Abdul Aziz	-do-		12	12			0	1	25	T.S. 40 S.H. 80

*[Signature]*

*[Signature]*

*[Signature]*

M

Registrar  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar  
26/3/19

ORDER

Consequent upon the recommendation of the Selection Committee Mr. Ihsanullah s/o Habib ur Rehman Village Bahadur Killay & P.O. Takht Bhai District Mardan is offered employment against the temporary post of Junior Scale Stenographer (BPS-12) in Commissioner's office on the following terms and conditions:

1. His/ services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vice NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay allowances shall be forfeited to the government.
3. He will be governed by such rules and regulations as may be issued from time to time by the government.
4. He will remain on probation for a period of one year extendable to another year in terms of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
6. He shall be bound to accept his adjustment/absorption on any of the department/offices in Mardan Division as ordered by the Competent Authority.

Before joining the post he will have to provide: (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective District of Domicile (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his/her arrival in the office of the undersigned within seven (07) days of receipt of this letter, otherwise, the appointment would be considered cancelled.

-sd-

Commissioner Mardan Division,  
Mardan.

No:02/01/EA/ACR/323 Dated Mardan the 12/06/2009

Copy forwarded to:-

- 1- District Accounts Officer Mardan.
- 2- PS to Commissioner Mardan Division Mardan.
- 3- Mr. Ihsanullah s/o Habib ur Rehman Village Bahadur Killay Tehsil & P.O. Takht Bhai District Mardan.

Assistant to Commissioner (Rev.),  
for Commissioner Mardan Division,  
Mardan.

ATTESTED





# COMMISSIONER MARDAN DIVISION MARDAN

## ORDER

A selection committee of the following composition is hereby constituted to submit recommendations with regard to appointments against <sup>the</sup> ~~all~~ <sup>post of</sup> posts lying vacant <sup>in the</sup> ~~in the~~ office of the Commissioner Mardan Division with immediate effect till further orders:-

- |   |                  |
|---|------------------|
| 1. Addl: Commissioner Mardan Division                         | Chairman.        |
| 2. District Coordination Officer Mardan                       | Member.          |
| 3. Assistant to Commissioner (Rev.)<br>Mardan Division Mardan | Member/Secretary |

## TERMS OF REFERENCE

1. The committee shall scrutinize documents submitted by candidates for vacant posts.
2. The committee shall conduct test/interviews of candidates and shall submit recommendations alongwith final merit list for appointment against each ~~type~~ post to the undersigned for approval.

  
Commissioner  
Mardan Division, Mardan

2/5/09.

1195-1200/PSC/2009

1. Senior Member Board of Revenue, NWFP.
2. Secretary to the Govt: of NWFP, Establishment Deptt:
3. P.S. to Chief Secretary NWFP.
4. Additional Commissioner Mardan Division.
5. DCO Mardan.
6. Assistant to Commissioner @ Mardan Division.

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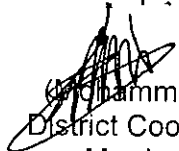
### MINUTES OF MEETINGS OF SELECTION COMMITTEE

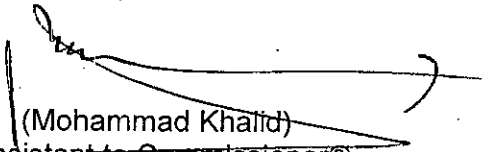
In pursuance of Commissioner Mardan Division office order bearing No.1195-1200/PSC/2009 dated 5<sup>th</sup> May 2009, Selection Committee conducted tests/interviews of candidates for the following posts lying vacant in the office of Commissioner Mardan Division Mardan as per following schedule:-


S.No.	Name of Post	No. of vacan:	Date of Test	Date of Interv:
01	Computer Operator BS-12	01		24-06-09
02	Assistants BS-14	07		25-06-2009
03	Sr. Scale Stenographer BS-15	01		
04	Jr. Scale Stenographer BS-12	02		
05	Chowkidar (BS-01)	04		29-06-2009
06	Mail (BS-01)	04		
07	Cook (BS-01)	01		
08	Sweeper (BS-01)	03		

3. Shortlisting of candidates for the posts was done on the basis of criteria advertised in press and on the manner prescribed in provincial ESTACODE. All ex-division domiciled overaged and those having no certified qualification, experience and professional skills were screened out. However, for the post of Senior Scale Stenographer some overaged candidates were also called for test; hence shortlisted candidates as mentioned in the table given in Sr.No.1 were put to tests and interviews on the dates mentioned above. Merit lists so prepared may be perused at **Annex-I to VIII.**

4. The Selection Committee therefore recommends appointment of candidates according to merit lists (**Annex-I to VIII**) against the vacant posts mentioned in table at para-1 ante please.

  
(Muhammad Adil Khan)  
District Coordination Officer  
Mardan

  
(Muhammad Khalid)  
Assistant to Commissioner  
Mardan

  
(Muhammad Israr)  
Additional Commissioner Mardan Division  
(Chairman Selection Committee)

## SENIORITY LIST OF JUN

## TENOGRAPHERS (BPS-12) OF MARDAN DIVISION AS STOOD ON 31-12-2010.

S.#	Name of Official	Qualification	Date of Birth	Date of 1 <sup>st</sup> Appointment	Date of Appointment on the present post	Place of Posting	Remarks
01	Mr. Bahadar Khan	MA	5-1-1963	20-4-1982	20-4-1982	DCO Office Mardan	
02	Mr. Jehan Zeb	FA	1-5-1964	26-1-1983	26-1-1983	EDO(F&P), Mardan	
03	Mr. Sabz Ali Khan	BA	19-4-1957	28-8-1988	03-09-1988	DCO Office Swabi.	
04	Mr. Jan Nabi	BA	30-12-1958	28-8-1988	05-9-1988	-do-	
05	Mr. Ihsanullah	FA	20-11-1959	18-12-1980	01-04-1994	DCO Office Mardan	
06	Mr. Habibur Rehman	MA	09-04-1967	09-08-1987	09-08-1987	-do-	
07	Mr. Fazal Nawaz	Matric	27-3-1934	18-1-1992	19-5-2003	DRO Office Mardan	
08	Mr. Mohammad Ibrahim	BA	01-04-1978	30-6-2009	30-6-2009	Commissioner Mdn	
09	Mr. Ihsan Ullah	MA	02-03-1984	30-6-2009	30-6-2009	-do-	

Attention to Mr. J. N. B. /

Assistant to Commissioner (Rev),  
Mardan Division, Mardan.



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/commissionerMardandivision>

Address: Opposite Town Hall,  
Near College Chowk Mardan

Phone: 0937-9230572-73

Fax: 0937-9230578

Email: commissionermrd@yahoo.com

No 206 /EA/ACR/2-19

Dated Mardan the 28 /01/2015

To,

The Assistant Secretary (Estt),  
Board of Revenue, Govt of Khyber Pakhtunkhwa,  
Peshawar.

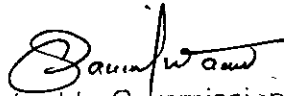
Subject: FINAL SENIORITY LIST OF JUNIOR SCALE STENOGRAPHER  
(BPS-14) OF MARDAN DIVISION AS STOOD ON 31-12-2014

Wemo:

I am directed to refer to the subject noted above and to enclose herewith a copy of final seniority list of junior scale stenographer (BPS-14) of Mardan Division as stood on 31-12-2014 for information and necessary action please.

(E-I)

o/c

  
Assistant to Commissioner (Rev),  
Mardan Division Mardan.

No & Date Even:

Copy forwarded to:

1. Deputy Commissioner, Mardan.
2. Deputy Commissioner, Swabi.
3. PS to Commissioner Mardan Division Mardan.

  
Assistant to Commissioner (Rev),  
Mardan Division Mardan.

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**FINAL SENIORITY LIST OF JUNIOR SCALE STENOGRAPHER (BPS-14) OF MARDAN DIVISION AS  
STOOD ON 31-12-2014**

S. NO	Name of Official	Qualification	Date of Birth	Date of first Appointment	Date of Appointment to the present post	Date of Adjustment	Place of Posting	Remarks
1-	Mr. Sabz Ali Khan	BA	19-04-1957	28-08-1988	03-09-1988	Continued in service and adjusted in DCO Office on 30-07-2001 vide letter No 326-30/12/DCO	DCO Office, Swabi	With reference to the E & A Deptt: Khyber Pakhtunkhwa letter No SOR-V(E&AD)1-4/2008 dated 11-02-2013
2-	Mr. Jan Nabi	BA	30-12-1958	28-08-1988	05-09-1988	-do-	-do-	
3-	Mr. Jahanzeb	FA	01-05-1964	26-01-1983	26-01-1983	Adjusted in DCO Mardan on 01-08-2001 vide letter No 1055-57/DCO (M)	EDO (F & P), MDN	
4-	Mr. Bahadar Khan	MA	05-01-1963	20-04-1982	20-04-1982	-do-	DCO Office Mdn	
5-	Mr. Ihsan Ullah	FA	20-11-1959	18-12-1980	01-04-1994	08-12-2001	-do-	
6-	Mr. Habib Ur Rahman	MA	09-04-1967	09-08-1987	09-08-1987	09-10-2002	-do-	
7-	Mr. Fazal Nawaz	Matric	27-03-1964	18-01-1992	19-05-2003		DO (R&E) Office Mardan	
8-	Mr. Muhammad Ibrahim	BA	01-04-1979	30-06-2009	30-06-2009		Commissioner Office Mdn	
9-	Mr. Ihsan Ullah-2	MA	02-03-1984	30-06-2009	30-06-2009		-do-	

*Dawood*  
Assistant to Commissioner (Rev)  
Mardan Division Mardan


**Final Seniority List of Junior Scale Stenographer (BPS-14) of Mardan Division as stood on 31-12-2012**

S.No	Name of Official	Qualification	Date of Birth	Date of 1st Appointment	Date of appointment to the present post	Date of adjustment	Place of posting	Remarks
1.	Mr. Sabz Ali Khan	BA	19-04-1957	28-08-1988	03-09-1988	Continued in service and adjusted in DCO Office on 30-7-2001 vide letter No 326-30/12/DCO	DCO Office Swabi	With reference to the E&A Deptt: Khyber Pakhtunkhwa letter No.SOR-V(E&AD)1-4/2008 dated 11-02-2013
2.	Mr. Jan Nabi	BA	30-12-1958	28-08-1988	05-09-1988	-do-	-do-	-
3.	Mr. Jahanzeb	FA	01-05-1964	26-01-1983	26-01-1983	Adjusted in DCO Mardan on 01-08-2001 vide letter No 1055-57/DCO (M)	EDO (F&P) Mardan	-
4.	Mr. Bahadar Khan	MA	05-01-1963	20-04-1982	20-04-1982	-do-	DCO Office Mardan	-
5.	Mr. Ihsanullah	FA	20-11-1959	18-12-1980	01-04-1994	08-12-2001	-do-	-
6.	Mr. Habibur Rehman	MA	09-04-1967	09-08-1987	09-08-1987	09-10-2002	-do-	-
7.	Mr. Fazal Nawaz	Matric	27-03-1964	18-01-1992	19-05-2003	-	DO(R&E) Office Mardan	-
8-	Mr. Muhammad Ibrahim	BA	01-04-1979	30-06-2009	30-06-2009	-	Commissioner Office Mardan	-
9-	Mr. Ihsanullah-2	MA	02-03-1984	30-06-2009	30-06-2009	-	-do-	-

*Danishwan*  
Assistant to Commissioner (Rev),  
Mardan Division, Mardan.

Final Seniority List of Junior Scale Stenographer of Mardan Division as stood on 31-12-2011

S.No	Name of Official	Qualification	Date of Birth	Date of Ist Appointment	Date of appointment to the present post	Date of adjustment	Place of posting	Remarks
1	Mr. Sabz Ali Khan	BA	19-04-1957	28-08-1988	03-09-1988	Continued in service	DCO Office Swabi	With reference to the E&A Deptt: Khyber Pakhtunkhwa letter No.SOR-V(E&AD)1-4/2008 dated 11-02-2013
2.	Mr. Jan Nabi	BA	30-12-1958	28-08-1988	05-09-1988	-do-	-do-	-
3.	Mr. Jahanzeb	FA	01-05-1964	26-01-1983	26-01-1983	23-07-2001	EDO (F&P) Mdr	-
4.	Mr. Bahadar Khan	MA	05-01-1963	20-04-1982	20-04-1982	11-09-2001	DCO Office Mardan	-
5.	Mr. Ihsanullah	FA	20-11-1959	18-12-1980	01-04-1994	08-12-2001	-do-	-
6.	Mr. Habibur Rehman	MA	09-04-1967	09-08-1987	09-08-1987	09-10-2002	-do-	-
7.	Mr. Fazal Nawaz	Matric	27-03-1964	18-01-1992	19-05-2003	-	DO(R&E) Office Mardan	-
8-	Mr. Muhammad Ibrahim	BA	01-04-1979	30-06-2009	30-06-2009	-	Commissioner Office Mardan	-
9-	Mr. Ihsanullah-2	MA	02-03-1984	30-06-2009	30-06-2009	-	-do-	-

  
 Assistant Commissioner (Rev),  
 Mardan Division, Mardan.

To

The Assistant to Commissioner (Rev)  
Mardan Division Mardan

Subject: **TENTATIVE SENIORITY LIST REVISED OF JUNIOR SCALE  
STENOGRAPHERS (BPS-12) OF MARDAN DIVISION MARDAN AS  
STOOD ON 31.12.2011**

Memo:

Kindly refer to your letter No.401-05/EA/ACR dated 31.01.2012 under which seniority list of Stenographers of Mardan Division has been issued.

It is stated Sir, that the offices of Deputy Commissioner, Commissioner, Asstt. Director, Deputy Director and Director Local Govt: & Rural Development Deptt: were abolished on 14.8.2011 and the officials from BPS 1 to 16 of all these Deptts: were declared as surplus. In the seniority list the services of officials at S.No. I & II were declared as continued in service and the services of the remaining officials were counted from the date of adjustment/posting from the surplus pool.

It is stated sir, that the above Deptts: were abolished and new Deptts: i.e. DCO, Finance, DRO etc were established and the staff of DC office and AD LG & RD Deptts were adjusted in the newly established offices/deptts. The Secretary S & GAD Govt of NWFP Peshawar issued a notification in this regard vide No. SOR-I (E&AD)4-1/30 (vol-IV) dated 25.5.2002 (copy enclosed) in which it is crystal clear that in the eve of merging/restructuring of the Deptts: or Subordinate offices, the intresy-seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a grade or post.

It is further requested Sir, that vide letter issued by the Govt of NWFP (now Khyber Pakhtunkhwa) E&AD (Regulation Wing) No. SORoVI/E&AD/Misc:/updativ/09 dated 23<sup>rd</sup> January 2009 (Copy enclosed) in which the NWFP Civil Servants Act, 1973 (NWFP Act No. XVII of 1973) and the NWFP (Appointment, provision of Transfer) Rules 1989 has been updated upto January 2009 wherein the Section 17 Sub Section (3) of the explanation-III (Copy enclosed) is quite clear.

From the above rules it is crystal clear that the seniority, will be considered from the date of appointment and not from the date of posting from the surplus pool.

It is therefore, requested Sir, that I am appointed on 26.1.1983 and the official at S.No. I & II were appointed in the year 3.5.88 and 5.9.1988, being the junior most from me, therefore my name may please be considered at S.No.1 being the senior most from the above officials at S.No. I & II.

Thanking you in anticipation.

Yours Obediently



Jehanzeb

Junior Scale Stenographer  
Office of the EDO (F&P) Mardan



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OFFICE OF THE  
DISTRICT COORDINATION OFFICER,  
MARDAN.

No. 1434 /DCO (M)/S/List  
Dated Mardan the 9/2 /2012.

To,  
The Commissioner,  
Mardan Division, Mardan.

Subject: - TENTATIVE SENIORITY LIST REVISED OF JUNIOR SCALE STENOGRAPHERS (BPS-12) OF MARDAN DIVISION AS STOOD ON 31-12-2011.

Memo:

I am directed to refer to your letter NO. 401-05/EA/ACR, dated 31-01-2012 on the subject noted above and to enclose herewith the objections raised by one Mr. Bahadar Khan, Stenographer of this office for favour of sympathetic consideration please.

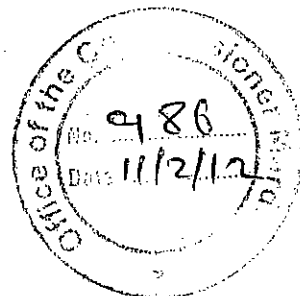
*[Signature]*  
Human Resource Dev: Officer,  
DCO Office, Mardan.

No. \_\_\_\_\_ /DCO (M)/S/List.  
Copy forwarded to PS to DCO Mardan for information.

Human Resource Dev: Officer,  
DCO Office, Mardan.



*ACR*  
*[Signature]*  
*10/02*



Mardan.

To,

The Commissioner,  
Mardan Division, Mardan.

Through: Proper Channel

Subject: - TENTATIVE SENIORITY LIST REVISED OF JUNIOR SCALE STENOGRAPHERS (BPS-12) OF MARDAN DIVISION AS STOOD ON 31-12-2011

Sir,

I have the honour to refer to your letter No. 401-05/EA/ACR dated 31-01-2012 along with tentative seniority list of Junior Scale Stenographers.

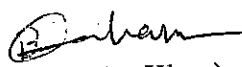
In this regard I have the following objections and hoped that due weight will be given to my humble objections: -

- 1- That the officials at S.No. 1, 2, &3 are Junior to me keeping in view the date of appointments in the present post, which is notified by the Govt: of NWFP (Now Khyber Pakhtunkhwa Establishment & Administration Department (Regulation Wing) Notification No. SOR-I (E&AD) 4-1/88 (Vol-IV) dated 25<sup>th</sup> May 2002 (Copy enclosed at Annex- "A").
- 2- That the letter No. Estt: II/DPC/141 dated 05-01-2012 of Board of Revenue on the basis of which the revised seniority list as stood on 31-12-2011 has been prepared, relates to the promotion of Office Assistants and has no concern with the seniority of Junior Scale Stenographers.
- 3- That the official at S. No. 3 was posted against the present position on 26-1-1983 while the humble petitioner was appointed on 20-04-1982 on regular basis. The official was also junior to me in the parent department.
- 4- Employees of defunct AD, LG&RDD was declared surplus by the Secretary to Govt: of NWFP and adjusted against the vacant posts in DCO Offices with effect from 01-07-2001 (Copy enclosed at Annex: "B")
- 5- That none of the Junior Scale Stenographers raised objection to the seniority list as stood on 31-12-2010 at Annex: "C" meaning thereby that they have accepted the same to be correct and legal and at this belated stage the objection to seniority list stands time barred.
- 6- That the merger/restructuring were made for both the departments of defunct Deputy/Commissioners, Assistant Commissioners and Assistant Directors, Local Govt: & Rural Development Department and the new offices were created in shape of District Coordination Officer, EDO (F&P) and DO (R&E) and the seniority of the devolved department may be prepared according to Notification at Annex: "A" from the date of appointment.

Keeping in view the above facts, it is humbly prayed that the Seniority list of Junior Scale Stenographers of Mardan Division may not be revised by keeping the seniority list as stood on 31-12-2010 intact and promotion may be made accordingly in the best interest of justice.

Dated 8-02-2012

Yours Obediently,

  
(Bahadar Khan),  
Stenographer DCO Office,  
Mardan.

OFFICE OF THE  
DISTRICT COORDINATION OFFICER,  
MARDAN.

No. 23358 /DCO (M)/FA/Seniority.

Dated Mardan the 23/11 /2012

To,

The Commissioner,  
Mardan Division, Mardan.

Subject: -  
Memo:

DETERMINATION OF SENIORITY.

I am directed to refer your letter No. 3241/EA/ACR/2-19/V-3, dated 15-10-2012 on the subject noted above and to enclose herewith the report of Mr. Bahadar Khan, Stenographer of this office for further necessary action under intimation to this office please.

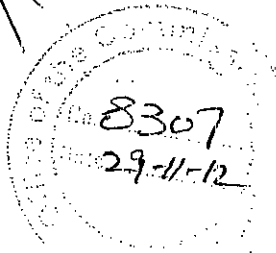
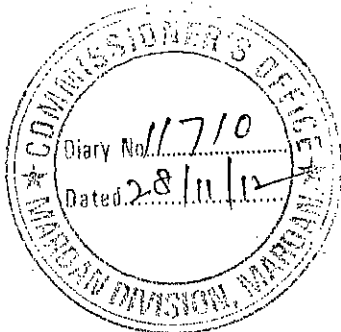
Encl: As Above.

*Muhammad Qasim*  
Accounts Officer,  
DCO Office, Mardan.

ACR

EA  
Qee  
29.11.12

8/29/12



To,

The Commissioner,  
Mardan Division, Mardan.

Through: Proper Channel.

Subject: - DETERMINATION OF SENIORITY.  
Sir,

I have the honour to refer to Establishment & Administration Department (Regulation Wing) letter No. SOR-V (E&AD) 1-4/2008, dated 29<sup>th</sup> May, 2012, received through your letter No. 2598/EA/ACR/2-19V-3, dated 04-09-2012 on the above subject.

- 1- It is submitted that: I was appointed on 20-04-1982 as Junior Scale Stenographer in the Khyber Pakhtunkhwa, Local Govt: Department. Then I was declared surplus along with others on 30-6-2001 by the Provincial Government.
- 2- On 01-07-2001, I was adjusted in DCO Office Mardan against my own cadre i.e. Junior Scale Stenographers in according with Surplus Policy Notified vide letter No. SOR-I (E&AD 11-200/98, dated 8<sup>th</sup> June, 2001. Copy is as Annex (A). After my adjustment in DCO Office as Junior Scale Steno BPS-15 (Selection Grade), my seniority was fixed by the DCO office from the date of appointment.
- 3- Then the offices of Divisional Commissioners were created and the Govt: empowered the Divisional Commissioners to fix the seniority of Junior Scale Stenographers on divisional basis. On 31-12-2010, the Commissioner Mardan Division Mardan fixed the seniority list of Junior Scale Stenographers of Mardan Division, consisting of District Mardan and District Swabi and I was placed at S. No. 1 of the said seniority list of Junior Scale Stenographers. Copy of Seniority list is as Annex: "B".
- 4- On 31-12-2011, the Commissioner Mardan Division, Mardan again prepared the seniority list, but at this time, I was placed at S. No. 4 of the seniority list, Copy is as Annex: "C".
- 5- On enquiry, I was told that this time, the seniority of Junior Scale Stenographers was fixed in accordance with Para-6 of the Surplus Policy *ibid*, wherein it has been stated that surplus employees if adjusted in their own cadre in a deptt: other than their parent department, then the interse-seniority after their adjustment, they shall be placed at the bottom of the seniority list. It was also stated therein that if surplus employees are adjusted in their parent deptt: then they can regain their previous seniority.
- 6- It is brought into your notice for your sympathetic consideration that the Provincial Govt: vide Notification No. SOR-1(E&AD) 4-1/80 (Vol:-IV) dated 25-05-2002 brought an amendment in Rule 17 of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989 which is worth perusal and reproduced below,  
**"in the event of merger/restructuring of the Departments, attached Departments or subordinate office, the interse-seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post."** Copy of amendment is as Annex: "D".
- 7- In view of the above submission, the Establishment Department may kindly be requested to guide us whether while determining seniority, the date of adjustment of the surplus employees is to be considered or the latest amended Rule 17 on the subject matter.
- 8- My humble submission is that after the amendment in Rule 17, *ibid*, the date of appointment is required to be considered while determining the interse -seniority of our fellow colleagues, as the latest amendment has superseded all the previous provision of the Surplus Policy regarding fixation of seniority of Civil Servants.
- 9- Therefore, I shall be very thankful to you if my seniority is fixed from the date of my appointment or an advice in this respect may be solicited from the Establishment Department Khyber Pakhtunkhwa whether my seniority is to be fixed from the date of appointment or from the date of adjustment in accordance with Para -6 of the surplus policy *ibid*.

Yours Truly,

(Bahadar Khan)  
Stenographer, DCO Office,  
Mardan.

OFFICE OF THE  
DEPUTY COMMISSIONER  
MARDAN

No. 576 /DC(M)/PS  
Dated 24/10 /2013

To: The Commissioner,  
Mardan Division Mardan.

Subject: Representation against Seniority List Of Junior Scale  
Stenographers Issued on 31-12-2011.


Please find enclosed herewith a copy of self explanatory application in respect of Mr. Habib-ur-Rehman, Junior Scale Stenographer of this office for further appropriate action.

  
Deputy Commissioner  
Mardan.

No. & date even.

Copy to :

1. Mr. Habib-ur-Rehman, Jr. S. Stenographer, DC Office Mardan w/r to his application.

  
Deputy Commissioner  
Mardan.



Dy No: 107

24/10/13

To

The Hon'ble Commissioner,  
Mardan Division Mardan.

Through : Proper Channel.

SUBJECT: REPRESENTATION AGAINST SENIORITY LIST OF JUNIOR SCALE  
STENOGRAPHERS ISSUED ON 31-12-2011.

Respected Sir,

Respectfully it is stated that I was appointed as Jr. Scale Stenographer on 26<sup>th</sup> August, 1987 in the Ministry of Health, Special Education & Social Welfare Division, Islamabad (copy enclosed). Then I was selected as Jr. Scale Stenographer (BPS-12) and transferred to the Directorate of Information, Govt of Khyber Pakhtunkhwa, Peshawar in November, 1990.

Consequent upon the devolution process, I was declared surplus and adjusted as Jr. Scale Stenographer (B-12) in the then DCO Office Mardan in February, 2002.

Sir, in the seniority list issued by the office on 31-12-2011, Mr. Sabz Ali Khan at S.No.1, Mr. Jan Nabi at S.No. 2 and Mr. Ihsanullah at S.No. 5 were appointed as Jr. Scale Stenographers on 3-9-1988, 5-9-1988 and 01-04-1994 respectively (copy of seniority list enclosed).

Sir, According to the Govt of Khyber Pakhtunkhwa, Establishment Deptt. ( Regulation Wing) Peshawar letter vide No.SOR-V (E&AD)1-4/2008 dated 11<sup>th</sup> February, 2013 (copy enclosed) I am senior to all the above 3 Jr. Scale Stenographers but in the seniority list circulated on 31-12-2011 (copy enclosed) I have been placed at S. No.6 instead of S.No.3 by the office.

It is therefore humbly requested that by reviewing the seniority list of Jr. Scale Stenographers of Mardan Divison, I may please be placed at S.No. 3 and oblige..

Your Obedient Servant

*Habib-ur-Rehman* 23/10/13

(Habib-ur-Rehman)

Junior Scale Stenographer  
Deputy Commissioner Office,  
Mardan.



# ESTA CODE

**ESTABLISHMENT CODE KHYBER PAKHTUNKHWA  
( REVISED EDITION ) 2011**

**A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS  
RELATING TO THE TERMS AND CONDITIONS  
OF PROVINCIAL CIVIL SERVANTS**

**COMPILED BY;  
(O&M) SECTION  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

S. No.	Subject	Pages
<b>Chapter-I</b>		
1.	Constitutional Provisions regarding Terms and Conditions of Civil Servants.	1
2.	NWFP Civil Servants Act, 1973.	2 - 11
3.	Guidelines for review of cases of civil servants under section 13(1)(a) of the NWFP civil servants Act, 1973/ Retirement of civil servants under section 13(1)(a) of the Civil servants Act, 1973.	12- 14
<b>Chapter-II</b>		
4.	Statutory Provision regarding appointment/ The NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.	15 - 25
5.	The NWFP initial appointment to civil posts (relaxation of upper age limit) rules, 2008/ violation of age limit policy.	26 - 29
6.	Recruitment Policy for the Provincial Services.	30 - 33
7.	Zonal allocation in initial recruitment/ zonal allocation formula.	34 - 36
8.	Constitution of PSB, DPC and DSC.	37 - 39
9.	Procedure for Selection for Promotion/Initial recruitment.	40 - 43
10.	Reservation of quota for appointment of Class-IV Govt. Servants and children of Retiring/ Incapacitated/deceased civil servants.	44 - 47
11.	Appointment in lieu of land grants.	48 - 49
12.	Fixed Pay policy.	50 - 51
13.	Promotion Policy/ Instructions for guidance.	52 - 66
14.	Revision of the policy for grant of BS-21 and BS-22 to technical and professional officers on the basis of meritorious services.	67 - 72
15.	Appointment against higher posts/Appointment on acting charge basis.	73 - 79
16.	Statutory Provision/Posting and Transfer Policy/ Placement Policy.	80- 87
17.	Posting/transfer from FATA and vice versa/ Change in policy to fill vacant posts in FATA to ensure better human resource management.	88 - 90
18.	Guidelines for transfer/ posting of Naib Tehsildars/ Political Naib Tehsildars/ Assistant Political Agents/ Inter-Provincial Transfer.	91 - 92
19.	Identification of Unattractive/Hard areas/Tenure of posting policy.	93
20.	West Pakistan Civil Services (applications for posts) Rules, 1957.	94 - 96
<b>Chapter-III</b>		
21.	Marriages with Foreign Nationals Rules, 1962/West Pakistan Govt. Servants (Restrictions on Marriages with Foreign Nationals) Rules, 1963 etc.	97 - 99
22.	Surplus Pool Policy - Policy for declaring government servants as surplus and their subsequent absorption/ adjustment.	100 - 104
23.	Project Policy - Policy governing appointment against project posts.	105 - 118
24.	Deputation Policy/Terms and conditions of civil servants deputed to foreign service and ancillary instructions.	119- 132
25.	Counting of Adhoc Service/Adhoc appointment.	133 - 135
26.	Confirmation and retention of lien.	136 - 140
27.	Withdrawals of Resignation/ determination of seniority of officials who are allowed to withdraw their resignation/Preparation and issuance of seniority list.	141 - 143
28.	Re-employment of the Pensioners beyond the age of sixty years.	144 - 145
29.	Change of name policy/change in the recorded date of birth.	146 - 148
30.	Criteria/modalities for classifying death/incapacitation of civil servants in the line of duty for the purpose of compensation.	149 - 150



Servants Revised Leave Rules, 1981. In the light of Rule 12 *ibid*, a willful absence of more than five years shall not be converted into leave without pay.

5. It is therefore, requested that the above instructions may be brought to the notice of all concerned for strict compliance in future.

(Authority: S&GAD's letter No.SORII(S&GAD)6(37)/89, dated 3rd Oct., 1989).

#### **Determination of seniority of officials who are allowed to withdraw their resignation**

A question has arisen whether a Government servant who resigned and has subsequently been allowed to withdraw his resignation should be assigned seniority and given other benefits which would have accrued to him had he not resigned.

2. When a resignation tendered by a Government servant has been accepted and the acceptance has been communicated to him, it becomes final. There can be no question of allowing him to 'withdraw' the resignation.
3. Where a Government servant who has tendered resignation withdraws it before it is accepted by the competent authority, or where, after the acceptance but before the acceptance is communicated to him, he is allowed to withdraw the resignation, he continues in the post held by him without a break and the question of re-fixation of his seniority, etc. does not arise.
4. Where an appellate authority finds that the resignation was not tendered voluntarily or that it is otherwise null and void, the appellate authority may re-instate the Government servant concerned. On re-instatement the Government servant shall be regarded as having continued in service throughout.
5. If a Government servant, whose resignation has been accepted and communicated to him, is appointed to Government service thereafter, such appointment shall be regarded as a fresh appointment. The seniority, pension, leave, etc, of such a Government servant shall be fixed in accordance with the rules applicable to him as if this appointment was his first appointment to Government service.
6. There may, however, be cases in which it may not be fair to treat such a re-employed Government servant as a new recruit and it is proposed to give him any benefit in relaxation of the rules, the orders of the Government should invariably be obtained.

(Authority S&GAD letter No.SOXII/2-96/59, dated 24.12.59)

#### **Preparation/issuance of seniority list of Government Servants**

I am directed to say that sub-section (1) of Section 8 of the NWFP Civil Servants Act, 1973, *inter alia* provides that for proper administration of service, cadre or post, the appointing authority shall cause to prepare a seniority list of the members for the time being of such service, cadre or post. Similarly, the note below clause(e) of sub-rule(2) of the rule 6 of the NWFP Service Tribunals Rules, 1974, enjoins upon the appointing authority or any other authority which has been delegated the powers to make decision regarding seniority of

a Government Servant to prepare and notify in the official Gazette a list of Seniority of Government Servants under its administrative control. The list so prepared shall be maintained upto date and shall be revised at least once a year. The NWFP Civil Servants (Amendment) Act, 1989, also provides that the seniority list prepared under sub-section (1) of Section 8 (of the NWFP Civil Servants Act, 1973) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.

2. I am further to say that the Governor, NWFP has been pleased to delegate his powers to Chief Secretary, NWFP to approve the issuance of the Seniority List of the members of a service, cadre or post for which the Governor is appointing authority.

3. The above instructions may please be brought to the notice of all concerned for guidance/compliance please.

(Authority: No.SOF-I(E&AD)3-15/88(Vol.I), dated 9<sup>th</sup> May, 2002)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 22 /12/2015.

NOTIFICATION

No. FSTE/HDPS: \_\_\_\_\_ On the recommendation of Departmental Promotion Committee the following Junior Scale Stenographer (BS-14) and Computer Operators (BS-12) of the offices mentioned against their names are promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

S.No.	Name and Designation	Office	Promoted
	Mr. Mikhar Ali Junior Scale Stenographer	Commissioner, Office, Malakand	Senior Scale Stenographer (BS-16)
	Mr. Muhammad Ibrahim Junior Scale Stenographer	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16)
	Mr. Naveed Ali Khan Computer Operator	Commissioner, Office Bannu	Senior Scale Stenographer (BS-16)
	Mr. Muhammad Ishtiaq Computer Operator	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16)

On promotion, they will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules-1989.

Sd/-

Senior Member

End No. FSTE/HDPS: 28593-97

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. Officials concerned.
5. Office Order File.



Secretary-I

#A 2-1  
case  
5/1/16

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 22/12/2015.

NOTIFICATION

No. Estt/DPS/\_\_\_\_\_ On the recommendation of Departmental Promotion Committee, the following Junior Scale Stenographer (BS-14) and Computer Operators (BS-12) of the offices mentioned against their names are promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

S.No.	Name and Designation	Office	Promoted
1	Mr. Itikhar Ali Junior Scale Stenographer	Commissioner Office, Malakand	Senior Scale Stenographer (BS-16)
2	Mr. Muhammad Ibrahim Junior Scale Stenographer	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16)
3	Mr. Naveed Ali Khan Computer Operator	Commissioner Office Bannu	Senior Scale Stenographer (BS-16)
4	Mr. Muhammad Ishtiaq Computer Operator	Commissioner Office, Mardan	Senior Scale Stenographer (BS-16)

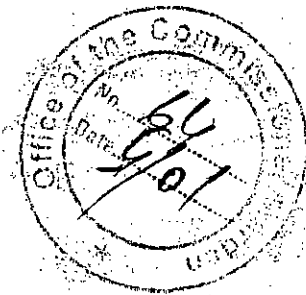
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Sd/-  
Senior Member

Estt. No. Estt/DPS/ 28593-97

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
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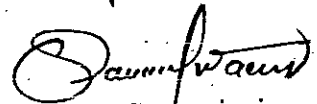
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Case  
5/1/16

  
Secretary-I

SENIORIT  
COMMISISONER C

JUNIOR SCALE STENOGRAPHER (BPS-14)  
RDAN DIVISION, MARDAN AS STOOD ON 31-12-2015

S #	Name of Officer	Qualification	Date of birth	Date of 1 <sup>st</sup> appointment	Date of promotion to the present post	Remarks
01-	Mr: Muhammad Ibrahim	B.A	01-04-1979	30-06-2009	30-06-2009	
02-	Mr. Ihsan Ullah	M.A	02-03-1984	30-06-2009	30-06-2009	

  
Assistant to Commissioner (Rev)/GA,  
Mardan Division, Mardan.

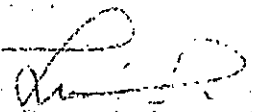
286

SENIORITY LIST OF  
COMMISSIONER OFFICE MAR

ALL STENOGRAPHER SPS-101  
HON. MARDAN AS STO FROM 31-12-2015

206  
~~207~~

S#	Name of Officer	Qualification	Date of birth	Date of 1 <sup>st</sup> appointment	Date of promotion to the present post	Remarks
01-	Mr. Muhammad Ibrahim	B.A	01-04-1979	30-06-2009	2-12-2015	
02-	Mr. Muhammad Ishaq	B. Sc	31-03-1985	30-06-2009	2-12-2015	

  
Asst. Commissioner (Rec. & Adm.)  
Adm. Division

**SENIORITY LIST OF JUNIOR SCALE STENOGRAPHER (BPS-14) COMMISSIONER OFFICE  
MARDAN DIVISION, MARDAN AS STOOD ON 29-11-2017.**

S#	Name of Official	Qualification	Date of birth	Date of 1 <sup>st</sup> appointment	Date of appointment/ promotion to the present post	Remarks
07	Mr. Ihsanullah	MA	02-03-1984	30-06-2009	30-06-2009	

Assistant to Commissioner (Rev),  
Mardan Division, Mardan.

Copy to the:-

1- PS to Commissioner Mardan.

Division, M... (Rev)...

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Ihsan Ullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

SMBR & others

(RESPONDENT)  
(DEFENDANT)

I/We Muhammad Ibrahim

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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 cost. 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.

Dated. 30 / 07 / 2019

  
CLIENT

  
ACCEPTED  
NOOR MOHAMMAD KHATTAK

  
SHAHZULLAH YOUSAFZAI

  
&  
MIR ZAMAN SAFI  
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Mobile No.0345-9383141



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

**Service Appeal No.148/2019**

**Ihsan Ullah**

**VS**

**SMBR & Others**

**REPLY ON BEHALF OF THE PRIVATE  
RESPONDENT Nos. 3 IN RESPONSE TO THE  
MENTIONED APPEAL SUBMITTED BY THE  
APPELLANT**

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appeal in hand is not maintainable in its present form and liable to dismissed.
3. That the appellant has misinterpreted the rules and drawn up the meaning according to his own sweet will, beside concealing the important facts and come to this Hon'ble Court with un-cleaned mind/hands.
4. That the appeal is based on malafide intention and concealed material facts from this august Tribunal.
5. That the appeal is bad for non-joinder and mis-joinder of the necessary parties.
6. That this Hon'ble Tribunal has no jurisdiction to entertain the appeal.
7. That the appellant is estopped by his own conduct to file the instant appeal.

**ON FACTS PARAWISE COMMENTS / REPLY ON BEHALF  
OF RESPONDENT NO. 3**

Para-1. Admitted correct to the extent of advertisement for the psot of Junior Scale Stenographer (BPS-12) and for the said posts the appellant and replying respondent No.3 applied and after completion of all codal formalities the appellant and replying respondent were appointed against the aforementioned posts

on the proper recommendations of Departmental Selection Committee vide order dated 29.06.2009.

Para-2. Incorrect and misconceived. That after appointment against the post of Junior Scale Stenographer (BPS-12) the appellant and replying respondent No.3 submitted their arrival reports and started performing their duties. That during service the respondent department circulated tentative seniority list and the replying respondent was placed at S.No.8 of the said seniority list being senior in age from the appellant while name of the appellant was enlisted at S.No.9. It is pertinent to mention that in light of Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17(4) of the Appointment, Promotion and Transfer Rules, 1989 ***"If the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior"***, so in light of the quoted Section of law the replying respondent was enlisted senior to the appellant. Copy enclosed herewith as annexure.....R.

Para-3. Admitted correct. Furthermore, the promotion from the post of Junior Scale Stenographer to the post of Senior Scale Stenographer (BPS-14) purely made on the basis of seniority-cum-fitness and being senior to the appellant the replying respondent was promoted vide order dated 22.12.2015. That it is also pertinent to mention here that the appellant has not been challenged the promotion order dated 22.12.2015 of the appellant in any forum.

Para-4. Correct. That it is further added that replying respondent No.3 being senior in age from the appellant. Furthermore, it is also mentioning here that there is no settled law/rules that seniority will be maintained on the basis of higher qualification or on the basis of higher marks/merit.

Para-5: Related to the official record hence needs no comments.

Para-6: Related to the official record. Furthermore, it is stated here that it is a well settled principle that "**one wrong cannot justify another wrong**".

Para-7: Needs no comments.

**GROUND:**

All the grounds of main appeal are incorrect, baseless and not in accordance with law and rules.

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



P/RESPONDENT NO.3

**MUHAMMAD IBRAHIM**

THROUGH:



**NOOR MOHAMMAD KHATTAK**

**&**



**MIR ZAMAN SAFI  
ADVOCATES**



R-4

# ESTA CODE

**ESTABLISHMENT CODE KHYBER PAKHTUNKHWA  
( REVISED EDITION ) 2011**

**A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS  
RELATING TO THE TERMS AND CONDITIONS  
OF PROVINCIAL CIVIL SERVANTS**

**COMPILED BY;  
(O&M) SECTION  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

## PART-V

## PROBATION AND CONFIRMATION

<sup>54</sup>15. **Probation:** ---- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation:

Provided that if no specific order is issued on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed.

16. **Confirmation:**-After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the North West Frontier Province Civil Servants Act, 1973.

## PART-VI

## SENIORITY

17. **Seniority :-** (1) the seniority inter se of civil servants <sup>55</sup>(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission <sup>56</sup>[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**Explanation-I:-** If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher

<sup>54</sup> Rule-15 substituted vide Notification No. SOR-VI/E&AD/1-3/2009/Vol-VIII dated 16-2-2010.

<sup>55</sup> Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

<sup>56</sup> The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

post; it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

**Explanation-II:-** If a junior person in a lower post is promoted to a higher post, by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

**Explanation-III:-** A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

<sup>57</sup>(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

<sup>58</sup>(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

✓ Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

18. **General Rules:** - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. **Repeal:-** The North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

<sup>57</sup> Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

<sup>58</sup> Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19<sup>th</sup> November, 2009.

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18th Dec 2015

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مستند

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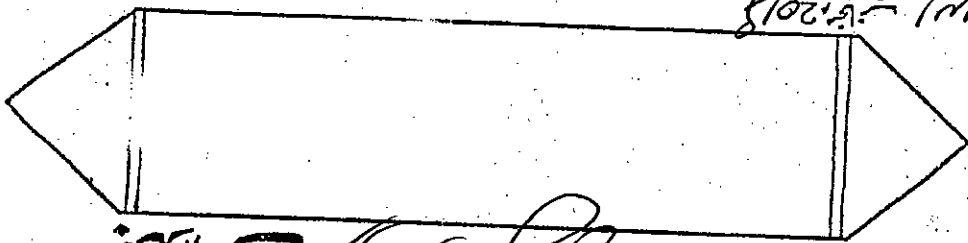
Main body of handwritten text, likely a letter or report, enclosed in a rectangular border. The text is written in Urdu and discusses various matters.

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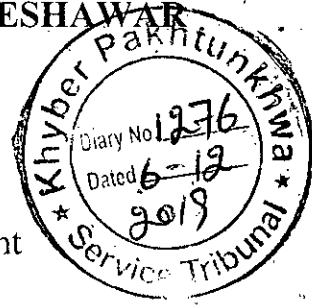
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## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Put up to the court  
with request of appeal.

Service Appeal No. 148 /2019

Ihsanullah.....Appellant

Versus

The Govt. through SMBR and others.....Respondents

---

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY FILED BY RESPONDENT NO.3.**


---

Respectfully Sheweth,

**Preliminary Objections:**

Preliminary objections raised by answering Respondents are erroneous and frivolous. The appeal is maintainable. Appellant has got a strong cause of action and for that matter locus standi to file the instant appeal. Nothing has been concealed from the Hon'ble Tribunal. All the necessary parties have been arrayed in the panel of Respondents.

**Facts:**

1. Regarding Para No.1 of the reply, it is submitted that in case of initial recruitment, the Seniority List is prepared as per the Merit list. It is admitted fact that appellant obtained **58** marks while Respondent No.3 obtained **54** marks, therefore, as per law appellant had to be placed senior to Respondent No.3.
2. Incorrect hence vehemently denied. The subject rules have been misinterpreted. It is averred that as per Rules-17(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 seniority inter-se of the civil servants shall be determined in case of persons appointed by initial recruitment in accordance with the order of merit assigned by the Commission or as the case may be the



Departmental Selection Committee. Therefore, as per law and rules appellant had to be placed Senior to Respondent No.3.

3. Regarding Para No.3 of the reply it is submitted that if the prescribed laws have been violated then the same would be declared null and void. As already explained hereinabove that as per law and rules appellant had to be placed senior to Respondents No.3 therefore, he was wrongly placed senior to appellant hence, the same is void ab initio and the promotion order dated 22.12.2015 is also ineffective upon the rights of appellant.
4. Incorrect hence vehemently denied as submitted by the answering respondent. It is settled principle of law that if a thing is to be done in a particular manner then the same must be done in the same prescribed manner. The question of age factor would be applied where there is a matter of promotion while in case of initial recruitment the seniority list shall be determined as per the merit list.
5. Regarding Para.5 of the reply it is submitted that the Respondents have extended similar treatment towards Mr. Sajjad Ahmed and Baber according to Rule-17(1) (a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and rectified their Seniority as per Merit List of initial recruitment whereas different yardstick has been used in case of appellant.
6. Incorrect. As already explained in the above para that similarly placed officials/officers were granted seniority as per their merit position in the Departmental Selection Committee.
7. Needs no Rejoinder.

**Grounds:**

It settled legal principle of Superior Courts that mere denial is not sufficient until and unless plausible grounds have not been mentioned therefore, the same amounts to admission.

It is, therefore, humbly prayed that the reply of answering Respondent may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

  
Khaled Rahman  
Advocate, Peshawar

Dated: 6 /12/2019

**Verification**

Verified 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.

  
Appellant

Service Appeal No. 148 /2019

Ihsanullah.....Appellant

Versus

The Govt. through SMBR and others.....Respondents

---

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE  
TO REPLY FILED BY RESPONDENT NO.3.**

---

Respectfully Sheweth,

**Preliminary Objections:**

Preliminary objections raised by answering Respondents are erroneous and frivolous. The appeal is maintainable. Appellant has got a strong cause of action and for that matter locus standi to file the instant appeal. Nothing has been concealed from the Hon'ble Tribunal. All the necessary parties have been arrayed in the panel of Respondents.

**Facts:**

1. Regarding Para No.1 of the reply, it is submitted that in case of initial recruitment, the Seniority List is prepared as per the Merit list. It is admitted fact that appellant obtained **58** marks while Respondent No.3 obtained **54** marks, therefore, as per law appellant had to be placed senior to Respondent No.3.
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Departmental Selection Committee. Therefore, as per law and rules appellant had to be placed Senior to Respondent No.3.

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7. Needs no Rejoinder.

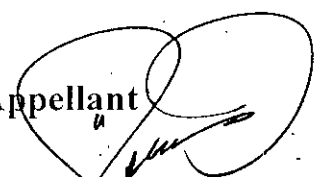
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It is, therefore, humbly prayed that the reply of answering Respondent may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant

  
Khaled Rahman -  
Advocate, Peshawar

Dated: 6 / 12 / 2019

**Verification.**

Verified 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.

  
Appellant

Before the UP Service Tribunal, Ghazipur  
Service Appeal No. 148/2019

Ihsanullah vs BCML etc

- ① That the above cited appeal is fixed for today.
- ② That during pendency of the instant appeal applicant was regular promoted Senior Scale Sero-topher (PS-16) on 2021. It is pertinent that applicant was promoted on ceiling charge basis to the subject post on 19<sup>4</sup>/<sub>18</sub> vide page No. 18 of the Service Appeal.
- ③ That it is submitted that applicant would be satisfied if the Honble Tribunal is pleased to grant regular promotion against the said post w.e.f 19<sup>4</sup>/<sub>18</sub>.
- ④ That it is further contended that applicant in future will not call in question the promotion / seniority of Respondent No. 3 (Muhammad Ibrahim)

It is therefore, humbly prayed that the above cited appeal may kindly be disposed of.

Dated 14<sup>4</sup>/<sub>22</sub>

Applicant  
Ihsanullah

Affidavit.  
It is asserted on oath that the above contents are correct and true and nothing was been concealed from the Honble Tribunal.

  
Deponent

ATTESTED



14-04-2022

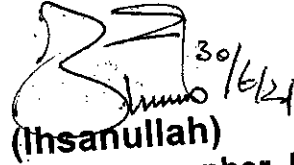
As per content of the application I have no objection on behalf of the private respondent no. 3

Kamran Khan  
etc



## CHARGE ASSUMPTION REPORT

In compliance with the Notification issued by the Worthy Commissioner, Mardan Division, Mardan vide No. 966/Sec/DPC, dated 30.06.2021, I Ihsanullah, Senior Scale Stenographer, BS-16 (ACB) hereby assumed the charge of the post of Senior Scale Stenographer BS-16 on regular basis in Commissioner Office, Mardan Division, Mardan today on 30.06.2021.

  
(Ihsanullah)

Senior Scale Stenographer, BS-16

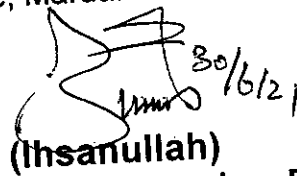
### OFFICE OF THE COMMISSIONER, MARDAN DIVISION, MARDAN.

Dated: 30/06/2021

No. 969/PSC/PF

#### Copy forwarded to:

1. The Secretary to Commissioner, Mardan Division, Mardan.
2. The District Comptroller of Accounts, Mardan.
3. The Assistant Secretary (Estt), Board of Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
4. PS to Commissioner, Mardan Division, Mardan.
5. The Account Officer, Commissioner Office, Mardan Division, Mardan.
6. Personal File.

  
(Ihsanullah)

Senior Scale Stenographer, BS-16



# OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

Website: <http://sites.google.com/site/Commissioner Mardan Division>

Address: Opposite Town Hall,  
Near College Chowk Mardan

Phone: 0937-9230572-73

Fax: 0937-9230578

Email: commissionermrd@yahoo.com

## **Notification:**

On the recommendation of Departmental Promotion Committee, meeting dated 28/06/2021, Mr. Ihsan Ullah Senior Scale Stenographer (on Acting Charge Basis/BPS-16) of this office is hereby promoted to the post of Senior Scale Stenographer (BPS-16) on regular basis, with immediate effect:-

On promotion the official concerned will be on probation for a period of one year in term of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules, 1989).

By Order of  
Commissioner  
Mardan Division Mardan  
Dated Mardan the 30/06/2021

No 966 /Sec/EA/DPC

### **Copy forwarded to:-**

- 1- Deputy Commissioner Mardan & Swabi.
- 2- District Comptroller of Accounts Mardan.
- 3- Assistant Secretary (Estt) Board of Revenue & Estate Department Khyber Pakhtunkhwa.
- 4- PS to Commissioner Mardan Division Mardan.
- 5- Official Concerned.
- 6- Finance Branch of this office.

  
Secretary to Commissioner  
Mardan Division Mardan



Before the W.P. Service Tribunal

Service Appeal No. 148/2019

Ihsanullah vs BCR etc

- ① That the above cited appeal is fixed for today.
- ② That during pendency of the instant appeal applicant was regular promoted Senior Scale Serothopter (PS-16) on 2021. It is pertinent that applicant was promoted on acting charge basis to the subject post on 19<sup>th</sup> 4/18 vide page No. 19 of the Service Appeal.
- ③ That it is submitted that applicant would be satisfied if the Honble Tribunal is pleased to grant regular promotion about the said post w.e.f 19<sup>th</sup> 4/18.
- ④ That it is further contended that applicant in future will not call in question the promotion/ seniority of Respondent No. 3 (Muhammad Ibrahim)

It is therefore humbly prayed that the above cited appeal may kindly be disposed of.

Dated 14<sup>th</sup> 4/22

Applicant  
Ihsanullah

Affidavit

It is asserted on oath that the above contents are correct and true and nothing has been concealed from the Honble Tribunal.

  
Deponent

ATTESTED



14-04-2022

*Judgment Sheet*  
**PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT.**

**W.P.No.5133-P/2018**

**Yasir Khan  
Versus  
Government of KPK through Secretary  
LG&RDD, and others.**

**Date of hearing 18.11.2021**

**Petitioner(s) by: Mr. Amin Ayub, advocate.**


**Respondent (s) by: Mr. Rab Nawaz AAG and Mr. Sabah  
Uddin Khattak, advocate.**

\*\*\*\*

**JUDGEMENT**

\*\*\*\*

**IJAZ ANWAR. J:-** The instant writ petition  
has been filed under Article 199 of  
Constitution of Islamic Republic of Pakistan,  
1973 with the following prayer:

  
"It is, therefore, humbly  
prayed that on acceptance of  
this writ petition, this  
Hon'ble Court may  
graciously be pleased to  
declare the impugned final  
Seniority List as stood on  
31.5.2018 whereby the  
petitioner was rendered  
junior to respondents No.4  
and 5 and the consequent  
impugned promotion order

dated 28.8.2018 of respondent NO.5 to BPS-16 LCs-PUGF (Accounts Cadre) as illegal, unlawful and hence of no legal effect and this august court may further be pleased to set aside the same and direct the respondents to act in the matter in accordance with law and to issue the correct final seniority list assigning petitioner his due seniority position above the respondents No.4 and 5 and consequently promote the petitioner to BPS-16 LCs-PUGF (Accounts Cadre) with effect from the due date i.e. 28.8.2016 with all consequential back benefits. Any other relief as deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to petitioner."

2. According to averments in the writ petition, petitioner was appointed as Accountant (BPS-11) in the office of respondent No.2 (Local Council Board) and was placed at serial No. 32 of the seniority

list as stood on 30.1.2015 whereas respondent No.4 and 5 were placed at serial No.40 and 41. Petitioner is aggrieved of the final seniority list as stood on 31.5.2018 whereby, he was relegated to serial No.21 whereas respondent No.4 and 5 were placed above the names of petitioner at serial No.12 and 18 and the basis of such seniority list, respondent No.5 was promoted vide impugned promotion order dated 28.8.2018.

3. Comments were called from the respondents which were submitted accordingly wherein the issuance of the desired writ has been opposed.

4. Arguments heard and record perused.

5. It is the case of petitioner that since his appointment, he has enjoyed

seniority and that belatedly his seniority was disturbed on the ground that at the time of appointment, the respondent No.4 and 5 were better in merit and as such, they were allowed seniority.


6. It appears that petitioner

alongwith many other candidates applied for the post of Accountant BPS-11 and having found better position in merit was allowed appointment vide order dated 04.3.2011. The record transpires that at the time of initial preparation of seniority list, the respondents have prepared the seniority list on the basis of arrival reports and this is how the petitioner, though was low in merit among the appointees but was placed above the names of the respondent No. 4 and 5 in the earlier seniority list. However later, on scrutiny of record, it was found that the petitioner and respondents No.4 and 5 were

appointed on one and the same date and therefore, when their appointment was made after qualifying certain selection process, then it was mandatory for the respondent department to have prepared the seniority list on the basis of merit and not on the basis of arrival report. We have gone through the impugned final seniority list as it stood on 31.5.2018 and compared it with the merit list of the appointees and found that the officers mentioned from serial No.10 to 22 were appointed in the same selection process and their names have correctly been placed in accordance with the merit assigned to them by the respective Departmental Selection Committee.

7. In view of the above, this court finds no illegality or irregularity committed by the respondents in preparation of the

seniority list. This petition being bereft of  
merit is accordingly dismissed in limine.

  
Judge  
Judge

**Announced on;**  
**Dated. 18.11.2021.**

**D.B.** Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Arshad Ali.

\*Amir\*