

1st Feb, 2023


Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

In view of the letter No. 6227-61/SDJ/HRW/ADMIN dated 30.03.2022 of the honourabl Peshawar High Court, Peshawar produced by learned counsel for the appellant, he submits that grievance of the appellant would be resolved. As regard this appeal, he says that it may be disposed. The appeal in hand is disposed of accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under our hand and seal of this Tribunal on this 1st day of February, 2023.*



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

SCANNED
FILED
Peshawar



The
PESHAWAR HIGH COURT
Peshawar

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

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

No: 6227-61 /SDJ/HRW/ADMIN

Dated Pesh the 30/03/2022

To

All the District & Sessions Judges/Zilla Qujis,
Khyber Pakhtunkhwa

Subject:

GUIDELINES IN RESPECT OF MAINTAINING COMMON SENIORITY LIST OF NAIB QASIDS, SWEEPERS, CHOWKIDARS ETC. FOR THE PURPOSE OF PROMOTION TO THE POST OF JUNIOR CLERK

Dear Sir/Ma'am,

In continuation of this Court's letter No. 2315-49/SDJ/REG dated 29th April, 2019 (Page 503 & 504 of the Judicial Estacode 2021, Vol-II), with regard to maintaining common seniority list of the holders of various posts for promotion to the post of Junior Clerk, I am directed to say that in case where the officials in common seniority list have been appointed in two different batches with varying dates of acquisition of SSC, the official(s) appointed in the first batch will rank senior to the official(s) appointed in the subsequent batch, irrespective of their date of acquisition of SSC. Following illustration elucidates the situation.

If **A**, having acquired SSC in 2005, has been appointed in 2010 and, **B**, having acquired SSC in 2000, has been inducted in 2015, A will rank senior to B.

Sincerely yours,

AABID SARWAR
ADDITIONAL REGISTRAR (ADMN)
FOR REGISTRAR

Endst No: 6262 SDJ/HRW/ADMN

Dated Pesh the 30/03/2022

Copy forwarded to the District & Sessions Judge, Bannu, w/r to his letter No. 80/DSJ dated 19/01/2022

AABID SARWAR
ADDITIONAL REGISTRAR (ADMN)

31.10.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Deputy District Attorney. Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 05.12.2022.



(Mian Muhammad)
Member (E)

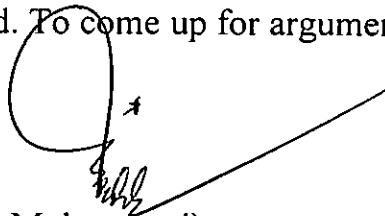


(Salah-ud-Din)
Member (J)

05.12.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 01.02.2023 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

SCANNED
KF&T
Peshawar



14.12.2021

Appellant alongwith his counsel present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

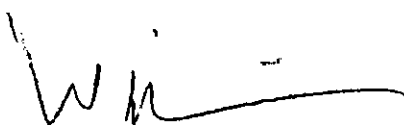
Learned District Attorney seeks time to submit written reply/comments. Notices be issued to the respondents for submission of written reply/comments. Adjourned but as a last chance. To come up for written reply/comments on 24.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

24.01.2022

Appellant with counsel present. Mr. Kabirullah Khattak, Addl. AG for respondents present.


Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Another last opportunity is granted to respondent to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 23.05.2022.


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

23rd May, 2022

Counsel for the appellant present. Mr. Kabeer ullah Knattak AAG for the respondents present.

Reply submitted by respondents. Placed on file. To come up for arguments on 02.08.2022 before D.B.


Fareeha Paul
Member (E)


(Kalim Arshad Khar)
Chairman

2-8-2022

Proper DB not available the case is
adjourned to 31-10-2022


Reads

24.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.


Reader

24.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.


Reader

03.08.2021

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

Written reply/comments have not been submitted by the respondents. Learned AAG is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.12.2021 before the D.B.


Chairman


P.S

16.08.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

specified period passed reply not submitted



14.09.2020

Mr. Mansoor Salam, Advocate on behalf of counsel for the appellant present.

Requests for adjournment as wife of learned counsel is indisposed and he is attending patient. Adjourned to 17.11.2020 before S.B.


Chairman

17.11.2020

Counsel for the appellant present.

Learned counsel requests for adjournment of appeal to 22.12.2020 on which date other appeal(s) involving similar proposition are fixed.

Adjourned to 22.12.2020 before S.B.


Chairman

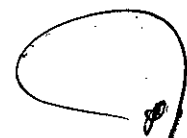
22.12.2020

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.03.2021 before S.B.

Appellant Deposited
Security & Process Fee


08/11/21



(Rozina Rehman)
Member (J)

Form- A


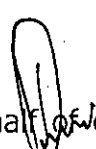
FORM OF ORDER SHEET

Court of _____

Case No.-

2645

/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/07/2020	<p>The appeal of Mr. Saeed-ur-Rehman presented today by Mr. Javed Iqbal Gulbella 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</p>
2-	14.09.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14/09/2020</u>.</p> <p>Mr. Mansoor Salam, Advocate on behalf of counsel for the appellant present.  CHAIRMAN</p> <p>Requests for adjournment as wife of learned counsel is indisposed and he is attending the patient.</p> <p>Adjourned to 12.11.2020 before S.B.</p> <p style="text-align: right;">Chairman</p>

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2018

Saeed – Ur – Rehman

VERSUS

Registrar Peshawar High Court and Others

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3.	Copy of Seniority List	"A"	9-11
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Dated : 23/07/2020



Petitioner

Through


Javed Iqbal Gulbela

Advocate, High Court,
Peshawar

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

①

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

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A. 8645 /2020

Diary No. 8027

Dated 27/7/2020

Saeed – Ur – Rehman, Naib Qasid, District &
Sessions Court, Peshawar.

-----*(Appellant)*

VERSUS

1. Registrar Peshawar High Court Peshawar.
2. District and Session Judge Peshawar.

-----*(Respondents)*

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT -1974 AGAINST THE
IMPUGNED NOTE, APPENDED TO & INSERTED IN
THE RULES OF ESTABLISHMENT OF DISTRICT
COURT, MINISTERIAL STAFF'S TERMS AND
CONDITIONS AT THE TAIL OF RULE 17 WHEREBY
THE SENIORITY OF PROCESS SERVERS AND
BAILIFFS, FOR THE PURPOSE OF PROMOTION TO
THE POST OF JUNIOR CLERK/ MOHARRIR
READER IS TO BE RECKONED FROM THE DATE
OF PASSING SECONDARY SCHOOL CERTIFICATE
INSTEAD OF DATE OF APPOINTMENT WHICH IS
WRONG, DISCRIMINATORY AND VOID, AND
DEPARTMENTAL APPEAL AGAINST THE SAME
WENT FUTILE.**

Respectfully Sheweth;

1. That the Appellant is naturally born bonafide citizen of Pakistan and hails from a respectable family of district Peshawar.
2. That the Appellant was inducted into service as Naib Qasid in April 2012 in District and

Filed
27/7/2020
to-day

Session Court Peshawar i.e. District Judiciary
Peshawar.

3. That the Appellant is having the qualification of SSC (Secondary School Certificate), which he has passed back in the year 1999. Besides this the Appellant has enough length of service and has good record throughout his service career.
4. That it was in this back drop that in February 2020 a seniority list was issued for ministerial staff of Session Division Peshawar in which appellant was mentioned at serial No. 13. **(Copy of seniority list is annexed as annexed "A")**
5. That as per the Establishment of District Court Terms And Condition Of Service Rules, at Rule-17 the post of Junior Clerk / Muharrir / Reader BPS-5 shall be filled by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Daftari and Record Lifter with Matric and three years' service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have

passed Secondary School Certificate Examination and have at least five years service as such. **(Copy of relevant rules are annexed as annexure "B")**

6. That an amendment in the Rule No. 17 was carried and a note was given which is reproduced here,

"Note: Seniority of the official in the same BPS shall be reckoned with Reference to the date of their acquiring Secondary School Certificate," which is wrong and unwarranted and is liable to be struck down.

7. That feeling aggrieved the Appellant moved the department appeal which was dismissed on dated 01-07-2020. **(Copy of Appeal & Order dated 01/07/2020 is annexed as Annexure "C & D" respectively)**
8. That thus the instant service appeal, before this Hon'ble Tribunal upon the following grounds inter-alia:-

Grounds:

- A. That the impugned note given in the column No 4 against the serial No 17 is against the principles of seniority and basic law governing the seniority & therefore liable to be struck down.

B. That the impugned note given in the Rule 17 is against the principles of seniority which is to be determined from the date of appointment and not from the date of passing SSC. Thus impugned note given / recorded rules against serial No 17 is void/ illegal there for not sustainable in the eye of law at all.

C. That the Appellant having requisite eligibility, moreover the same rule in some other shape is unanimously appealable to all other departments wherein 33 % of post of the Junior Clerks are to be filled by the way of promotion from amongst Naib-Qasids and others and the condition is same of Secondary School Certificate and Seniority for the same is reckoned from date of appointment instead of date of Secondary School Certificate, but only the Appellant is discriminated. As per the original rules for promotion to the higher grades the appellant has legitimate expectancy for promotions, but due to the impugned note given at the end of the clause the Appellant would suffer a lot because despite having requisite criteria, will not be promoted, but rather juniors who have passed SSC prior to the Appellant would be promoted which is void and wrong.

D. That so many times junior were promoted to the higher post and senior were ignored, this fact was so many times brought to the notice of respondent No 2 but paid no heed rather at last turned down the request vide order dated 01-07-2020.

E. That the impugned note given at serial No 19 is also against the spirit of justice, fair play against the spirit of Article 2A,4,8,9. And 25 of the constitution of Islamic Republic of Pakistan.

F. That from every angle the impugned note is liable to be struck down, and the former seniority to be restored.

G. That any other ground not raised here, may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal,

- 1) Declare the impugned note in the rules at serial # 17 as illegal, unlawful, discriminatory and against the principle of seniority and ineffective upon the rights of the Appellant and be struck down.**
- 2) Direct the Respondents to issue the seniority list of the Appellant and his colleagues as before the impugned note at Rule 17 and the seniority is to be reckoned from the date of appointment instead that of passing Secondary School Certificate**

(6)

- 3) To promote the Appellant as Junior Clerk/ Moharrir/ Reader strictly as per law and upon the rectified seniority list with all back benefits after striking down the impugned note to Rule 17 in question.
- 4) Any other relief not specifically asked for, may graciously be extended in the favor of Appellant, in the circumstances of the instant appeal.

Dated: 23/07/2020



Petitioner

Through



Javed Iqbal Gulbela

&

Saghir Iqbal Gulbela
Advocate, High Court
Peshawar

NOTE:-

No such like appeal for the same appellant upon the same subject matter has earlier been filed by me before this Hon'ble Tribunal.



Advocate

7

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

In Re S.A _____/2018

Saeed – Ur – Rehman

VERSUS

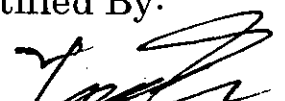
Registrar Peshawar High Court and Others

AFFIDAVIT

I, Saeed – Ur – Rehman, Naib Qasid, District & Sessions Court, Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

Identified By:


Javed Iqbal Gulbela
Advocate High Court
Peshawar.



(8)

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

In Re S.A _____/2018

Saeed – Ur – Rehman

VERSUS

Registrar Peshawar High Court and Others

ADDRESSES OF PARTIES

APPELLANT.

Saeed – Ur – Rehman, Naib Qasid, District &
Sessions Court, Peshawar.

RESPONDENTS:


1. Registrar Peshawar High Court Peshawar.
2. District and Session Judge Peshawar

Dated : 23/07/2020



Petitioner

Through



Javed Iqbal Gulbela
Advocate, High Court,
Peshawar.

(9)

Annexure "A"

**FINAL SENIORITY LIST 2020 OF THE CLASS-IV STAFF OF SESSIONS DIVISION PESHAWAR
NAIB QASID/ CHOWKIDAR/SWEEPER/MALI/WATER CARRIER**

	Name of Official	Present Post	Date of Appointment	Date of acquiring SSC	Date of Birth	Date of Retirement on Superannuation
1	Mr. Irshad Khan	Water Carrier	11/01/2014	1986 (A)	20-01-1969	19-01-2029
2	Mr. Safer Ullah s/o Aman Ullah	Naib Qasid	17-04-2012	1990 (A)	01/08/1973	31/07/2033
3	Mr. Zakir Ullah	Naib Qasid	01/02/2013	1991 (A)	25/03/1975	24/03/2035
4	Mr. Mashhad Ali	Sweeper	09/07/2013	1991 (A)	15-03-1975	14-03-2035
5	Mr. Sardar Shah	Chowkidar	08/04/2014	1992 (A)	27-02-1976	26-02-2036
6	Syed Kifayat Ullah Shah	Chowkidar	08/01/2011	1993 (A)	10/05/1977	09/05/2037
7	Syed Ishaq Ali Shah	Naib Qasid	02/02/2013	1993 (A)	07/03/1977	06/03/2037
8	Mr. Abdur Rashid	Chowkidar	08/01/2011	1993 (S)	25-03-1977	24/03/2037
9	Mr. Fateh Ullah	Naib Qasid	08/01/2011	1996 (S)	16-03-1980	15-03-2040
10	Mr. Fazal-e-Rabbi	Chowkidar	02/02/2013	1996 (S)	13-10-1980	10/12/2040
11	Mr. Ghufran Ullah s/o Saad Ullah	Naib Qasid	02/02/2013	1997 (A)	02/03/1981	01/03/2041
12	Sheeraz Alam	Naib Qasid	31/10/2019	1998 (S)	03/05/1980	02/05/2040
13	Saeed ur Rehman s/o Akhtar Munir	Naib Qasid	17-04-2012	1999 (A)	10/04/1982	09/04/2042
14	Mr. Sajid Ullah	Chowkidar	17-04-2012	1999 (S)	10/01/1980	09/01/2040
15	Mr. Wasi Ullah	Naib Qasid	02/02/2013	1999 (S)	01/02/1979	31-01-2039
16	Mr. Ishfaq Ahmad	Mali	09/07/2013	2001 (A)	17-09-1983	16-09-2043
17	Mr. Makhdoom Mohyuddin	Naib Qasid	08/01/2011	2002 (A)	06/07/1982	05/07/2042
18	Mr. Sakhi Jan	Naib Qasid	08/01/2011	2002 (A)	03/12/1985	02/02/2045
19	Mr. Farukh Shehzad	Naib Qasid	09/07/2013	2002 (A)	25-10-1983	24-10-2043
20	Mr. Fakhar-uz-Zaman	Naib Qasid	17-04-2012	2003 (A)	20/08/1984	07/02/2044
21	Siyar Ullah	Sweeper	31/10/2019	2003 (S)	01/01/1981	31/12/2040
22	Mr. Akbar Khan	Naib Qasid	17-04-2012	2004 (A)	25/04/1985	14-08-2045
23	Ms. Madiha	Naib Qasid	30/11/2019	2004 (A)	01/03/1983	28/02/2043
24	Maryam Mushtaq	Naib Qasid	01/02/2013	2004 (S)	14/12/1988	13-02-2048
25	Mr. Moon Anthony	Sweeper	17-04-2012	2005 (A)	12/02/1985	11/02/2055
26	Faiza Muhammad Parveen	Naib Qasid	30/11/2019	2005 (A)	05/04/1989	04/04/2049
27	Mr. Saddam Hussain s/o Aksar Khan	Naib Qasid	17-04-2012	2006 (S)	20-08-1992	19-08-2052
28	Mr. Izhar uddin	Naib Qasid	01/02/2013	2007 (A)	10/12/1990	09/12/2050
29	Mr. Khan Zeb	Chowkidar	02/02/2013	2007 (S)	24-03-1990	23-03-2050
30	Mr. Usman Riaz	Naib Qasid	08/07/2015	2008 (A)	19-01-1991	18-01-2051
31	Mr. Shahid Khan	Sweeper	09/07/2013	2008 (S)	02/02/1991	01/02/2051
32	Mr. Barkat	Naib Qasid	06/06/2015	2008 (S)	10/04/1989	09/04/1949
33	Mr. Kamran Sher	Naib Qasid	08/07/2015	2008 (S)	16-04-1986	15-04-2046
34	Muhammad Amir	Naib Qasid	31/10/2019	2008 (S)	06/05/1991	05/05/2051
35	Muhammad Abid Khan	Chowkidar	31/10/2019	2009 (S)	30/01/1990	29/01/2050
36	Mr. Muhammad Wisal	Naib Qasid	31-07-2010	2010 (A)	15-03-1991	14/03/2051
37	Syed Hilal	Naib Qasid	02/02/2013	2010 (A)	01/04/1994	31-03-2054
38	Mr. Zaka Ullah	Mali	09/07/2013	2010 (S)	08/09/1993	07/09/2053
39	Mr. Asad Khan s/o Pervaiz Iqbal	Naib Qasid	16-02-2008	2011 (A)	01/01/1988	31/12/2047
40	Mian Ghufran Ullah	Naib Qasid	08/04/2014	2011 (A)	06/03/1986	05/03/2046
41	Abdur Rehman	Naib Qasid	31/10/2019	2011 (A)	03/02/1996	02/02/2056

ATTESTED

09 JUL 2020

(Examiner)
Session Court Peshawar

District & Sessions Judge,
Peshawar

**FINAL SENIORITY LIST 2020 OF THE CLASS-IV STAFF OF SESSIONS DIVISION PESHAWAR
NAIB QASID/ CHOWKIDAR/SWEEPER/MALI/WATER CARRIER**

Sr#	Name of Official	Present Post	Date of Appointment	Date of acquiring SSC	Date of Birth	Date of Retirement on Superannuation
42	Mr. Muhammad Awais	Naib Qasid	22-05-2010	2012 (A)	29-10-1991	28-01-2051
43	Mr. Gul Wahab	Chowkidar	17-04-2012	2013 (A)	13-01-1982	12/01/2042
44	Safi Ullah	Sweeper	31/10/2019	2013 (A)	11/04/1997	10/04/2057
45	Muhammad Zeeshan	Naib Qasid	31/10/2019	2015 (A)	13/10/1999	12/10/2059
46	Mr. Asfandyar	Naib Qasid	01/02/2013	20/11/2003 (8th)	10/04/1988	09/04/2048
47	Mr. Shadab Mehmood	Naib Qasid	02/02/2013	31/03/2013 (8th)	10/03/1992	09/03/2052
48	Mr. Akash	Sweeper	07/04/2014	02/04/2014 (8th)	06/08/1990	05/08/2050
49	Mr. Hussain Shah	Naib Qasid	18/03/2017	31/03/2007 (8th)	05/04/1991	04/04/2051
50	Hamid ur Rehman	Naib Qasid	04/12/2017	13/03/2008 (8th)	14/07/1999	13/07/2059
51	Mr. Shah Saud	Naib Qasid	02/04/2019	9th	01/07/1982	30/06/2043
52	Muhammad Zahid Gul	Naib Qasid	31/10/2019	8th	15/02/1991	14/02/2051
53	Muhammad Asad s/o M. Younas	Naib Qasid	30-03-1988	X	1966	01/07/2026
54	Mr. Liaqat Masih	Sweeper	17-12-1988	X	1966	01/07/2026
55	Mr. Raj Kapoor s/o Hnasraj	Sweeper	02/10/1993	X	1967	01/07/2027
56	Mr. Faqir Hussain s/o Awal Gul	Naib Qasid	03/05/1993	X	1969	01/07/2029
57	Mr. Dilroz Khan	Naib Qasid	20-03-1993	X	1963	01/07/2023
58	Mr. Yehya	Chowkidar	04/04/1993	X	07/01/1972	30-06-2032
59	Mr. Pervaiz Ahmad	Naib Qasid	27-03-1995	X	1977	01/07/2037
60	Mr. Muhammad Raees	Naib Qasid	23-05-1995	X	1968	01/07/2028
61	Mr. Fida Hussain	Naib Qasid	08/10/1995	X	20/08/1975	19-08-2035
62	Mr. Faqir Hussain s/o Tamash Khan	Naib Qasid	09/10/1995	X	1976	01/07/2036
63	Mr. Alam Khan	Naib Qasid	08/02/1996	X	1974	01/07/2034
64	Mr. Muhammad Irfan	Naib Qasid	28-10-1996	X	13/05/1978	12/05/2038
65	Mr. Sheheryar Khan	Naib Qasid	22-01-1997	X	1970	01/07/2030
66	Mr. Zahoor Ahmad	Naib Qasid	07/07/1997	X	1977	01/07/2037
67	Mr. Saeed ur Rehman	Naib Qasid	26-08-1997	X	09/04/1978	08/04/2038
68	Mr. Sartaj Ali	Naib Qasid	24-04-1999	X	03/03/1976	02/03/2036
69	Mr. Haroon Rashid	Naib Qasid	18-04-2000	X	1977	01/07/2037
70	Mr. Bakhtiar Khan	Naib Qasid	06/04/2000	X	18-03-1979	17-03-2039
71	Habib-ur-Rehman	Chowkidar	11/04/2000	7 th	1988	01/07/2048
72	Mr. Ali Akbar	Chowkidar	18-10-2001	X	02/03/1983	01/03/2043
73	Mr. Kemya Gul	Naib Qasid	28-05-2003	X	14-04-1971	13/04/2031
74	Mr. Mujib ur Rehman	Naib Qasid	28-05-2003	X	01/01/1975	31-12-2034
75	Mr. Rasool Khan	Naib Qasid	29-05-2003	X	16-02-1976	15-02-2036
76	Mr. Javed Gul	Chowkidar	29-05-2003	X	1972	01/07/1932
77	Mr. Jebran	Naib Qasid	29-05-2003	X	1983	01/07/1943
78	Mr. Rahim Khan	Chowkidar	29-05-2003	X	1974	01/07/2034
79	Mr. Sajjad Haider	Naib Qasid	06/05/2003	X	09/02/1982	08/02/2042
80	Mr. Fazal- e-Rahim	Naib Qasid	05/06/2003	X	1965	01/07/2025
81	Mr. Saleem Khan	Naib Qasid	05/06/2003	X	30-12-1975	29-12-2035
82	Mr. Asmat Ali	Chowkidar	05/06/2003	X	1965	01/07/2025

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09 JUL 2020
(Examiner)
Session Court Peshawar

District & Sessions Judge,
Peshawar

09/07/2020

(11)

**FINAL SENIORITY LIST 2020 OF THE CLASS-IV STAFF OF SESSIONS DIVISION PESHAWAR
NAIB QASID/ CHOWKIDAR/SWEEPER/MALI/WATER CARRIER**

	Name of Official	Present Post	Date of Appointment	Date of acquiring SSC	Date of Birth	Date of Retirement on Superannuation
83	Mr. Ikram Ullah	Naib Qasid	20-06-2003	X	01/01/1974	31-12-2033
84	Mr. Naimat Ullah	Chowkidar	20-06-2003	X	1969	01/07/2029
85	Mr. Gul Nawaz	Chowkidar	20-06-2003	X	03/03/1982	02/03/2042
86	Mr. Misal Khan	Naib Qasid	20-06-2003	X	01/04/1980	31-03-2040
87	Mr. Jan Muhammad	Chowkidar	20-06-2003	X	20-04-1974	19-04-2034
88	Mr. Iqbal Hassan	Sweeper	16-07-2003	X	1972	01/07/2032
89	Mr. Naveed Masih	Sweeper	11/09/2003	X	1983	01/07/2043
90	Mr. Muhammad Tahir	Naib Qasid	12/05/2003	X	10/10/1969	09/10/2029
91	Mr. Sohail Bhatti	Sweeper	12/07/2003	X	01/08/1982	31-07-2042
92	Mr. Mukaish Kokhar	Sweeper	12/07/2006	X	05/10/1982	04/10/2042
93	Mr. Imtiaz Ahmad	Naib Qasid	13-12-2003	X	20-04-1981	19-04-2041
94	Mr. Abdul Qadir	Naib Qasid	13-12-2003	X	1976	01/07/2036
95	Mr. Rehmat Ullah	Naib Qasid	03/03/2004	X	02/03/1982	01/03/2042
96	Mr. Muhammad Jamshid	Naib Qasid	15-03-2004	X	18-03-1977	17/03/2037
97	Mr. Bawar Khan	Naib Qasid	27-07-2004	X	1971	01/07/2031
98	Mr. Israr Khan	Naib Qasid	06/05/2006	X	05/04/1985	04/04/2045
99	Mr. Anjad Khan s/o Yateem Khan	Naib Qasid	16-02-2008	X	01/01/1989	31/12/2048
100	Mr. Hayat Ullah	Chowkidar	16-02-2008	X	02/01/1983	01/01/2043
101	Mr. Saghar Javed	Sweeper	20-11-2008	X	01/01/1990	31/12/2049
102	Saddam Hussain s/o Parvez Khan	Naib Qasid	12/03/2008	X	13-07-1989	12/07/1949
103	Mr. Muhammad Riaz Khan	Naib Qasid	12/03/2008	X	15-04-1989	14-04-2049
104	Mr. Zulfiqar Ali	Sweeper	12/03/2008	X	15-02-1972	14-02-2032
105	Mr. Zamin Khan	Naib Qasid	06/03/2010	X	02/01/1981	01/01/2041
106	Mr. Zeeshan Majeed	Naib Qasid	31-07-2010	X	07/03/1989	06/03/2049
107	Mr. Muhammad Qazafi	Naib Qasid	02/02/2013	5 th	08/07/1977	07/07/2037
108	Mr. Gul Nawaz	Naib Qasid	02/02/2013	X	1984	01/07/2044
109	Mr. Tanveer Maseh	Sweeper	09/07/2013	X	03/04/1989	02/04/1949
110	Mr. Siddiq-ur-Rehman	Sweeper	09/07/2013	X	1978	01/07/2038
111	Mr. Faisal Maseh	Sweeper	06/03/2015	X	01/01/1988	31/12/2047
112	Mst. Saba Bibi	Sweeper	27/01/2017	X	03/03/1989	02/03/2049
113	Mr. Imran Khan	Sweeper	02/04/2019	X	03/09/1997	02/09/2057
114	Mr. Samsoon Sikandar	Sweeper	02/04/2019	X	19/10/1998	18/10/2058
115	Mr. Sameer	Sweeper	02/04/2019	X	03/12/2000	02/12/2060
116	Mr. Sadaqat Ali	Chowkidar	10/07/1989	X	23/05/1975	22/05/2035
117	Ms. Nabila	Naib Qasid	30/11/2019	X	01/01/1985	31/12/2044
118	Safi Ullah	Naib Qasid	31/10/2019	X	01/01/1988	31/12/2047
119	Teg Singh	Sweeper	31/10/2019	X	20/10/2001	19/10/2061

CERTIFIED TO BE TRUE COPY

03-JUL-2020

(Examiner)

Copying Agency Session Court
Peshawar

II-District Judiciary

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

B 11
4 Ans / 2
12

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

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

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

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

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

II-District Judiciary

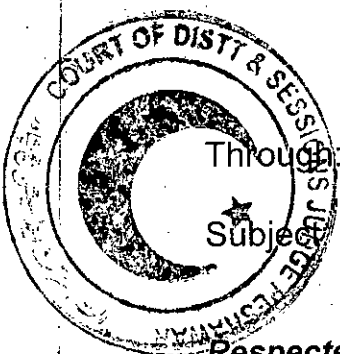
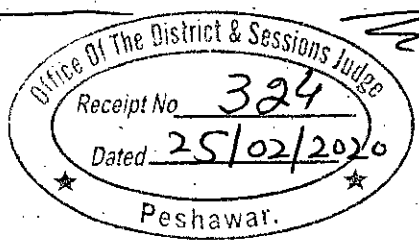
2-Establishment of the District Courts...
Terms and Conditions of Service

21	Daftari BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
22	Record Lifter BPS-2			<p>By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:</p> <p>Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.</p>
23	Bailiff BPS-2			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
24	Process Server BPS-1	Matric	18 - 35 years	By initial recruitment.
25	Chowkidar BPS-1	Preferably literate	25 - 40 years	By initial recruitment.
26	Naib Qasid BPS-1	Preferably Literate	18 - 40 years	By initial recruitment.
27	Sweeper BPS-1	Preferably literate	18 - 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-1	Literate	25 - 40 years	By initial recruitment.
29	Mali BPS-1	Preferably literate	18 - 40 years	By initial recruitment.

مختار علی 3. سند میں، صورت و آفیس آف (14)
01/07/2020 04/O.P-DA. فالو کر Annexure 'c'

To:

Hon'ble,
The District & Sessions Judge,
Peshawar.



Through
Subject

Proper Channel.

OBJECTIONS/REQUEST ON SENIORITY LIST DATED 13.02.2020.

Respected Sir,

The applicant respectfully submits as under:

- i. That the applicant is serving in District Judiciary as Naib Qasid since April 2012 and currently posted in the Court of learned Additional District & Sessions Judge-I, Peshawar.
- ii. That on 13.02.2020, a notice was affixed on the Notice Board of Sessions Court Peshawar, informing all the concerned that Seniority List has been issued by the competent authority and objections thereupon, if any, were invited within stipulated time.
- iii. That the applicant has been admitted/appointed into service on 17.04.2012 and currently placed at serial No. 13 of the seniority list.
- iv. That despite fact that applicant was admitted/appointed into service in the year 2012, officials appointed subsequent to the applicant have been listed senior/higher to the applicant i.e. officials at serial No. 01, 03, 04, 05, 07, 10, 11 and 12 have been appointed subsequent to the appointment of the applicant.
- v. That according to Civil Servants (Seniority) Rules, 1993 notified vide No. S.R.O. 163(I)/93, Dated 28th February 1993, officials appointed on different dates/advertisements shall be dealt differently w.r.t their seniority; the relevant section of the Rules is reproduced for ready reference:

ATTESTED
09 JUL 2020

(Examiner)
Session Court Peshawar

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2. Seniority on initial appointment.--- (1) Persons initially appointed on the recommendations of the selection authority through an earlier open advertisement shall rank senior to those appointed through a subsequent open advertisement.

vi. That on the basis of above referred rules, applicant is entitled to be ranked higher than the above referred officials (mentioned in, para-iv) as applicant has been appointed in the year 2012 while the officials referred above have been appointed in the subsequent years; furthermore, date of SSC examination shall be considered among the officials appointed vide order dated 17.04.2012.

PRAYER:

It is, therefore, most respectfully submitted that in light of the above, directions for appropriate positioning of the applicant in the seniority list of Naib Qasid/Chowkidar/Sweeper/Mali/Water Carrier may kindly be issued, especially taking into consideration Civil Servants (Seniority) Rules, 1993, please.

Enclosure:

Copy of Seniority List dated 13.02.2020.

Obediently yours,



SAEED UR REHMAN
S/O Akhtar Munir,
Naib Qasid,

District & Sessions Court, Peshawar.

Dr.... 25/02/2020

Forwarded in original to learned District & Sessions Judge, Peshawar.

ATTESTED

09 JUL 2020

(Examiner)
Session Court Peshawar



(TANVEER IQBAL)
AD & SJ-I / JSC/ Judge,
Gas Utility Court, Peshawar

TANVEER IQBAL

Additional Session Judge (Page 2 of 2)
Peshawar.

(16)

Annexure D

ORDER
01/07/2020

The Departmental Appeals in hand are filed against Tentative

Seniority List-2020 by the following officials:

1. Mr. Saddam Hussain s/o Aksar Khan, Naib Qasid
2. Mr. Saeed ur Rehman s/o Akhtar Munir, Naib Qasid
3. Syed Kifayat Ullah Shah s/o Syed Rahat Shah, Chowkidar

The grievance of the appellants/officials is that they have wrongly been placed in the Tentative Seniority List on the basis of acquiring SSC while they should have been placed in the said list with reference to their batch mates, thus, requested for correction of the impugned seniority list. In this regard they have placed reliance on PHC letter No. 2315-49/SDJ/REG dated 24/04/2019.

Perusal of record reveals that the tentative seniority list in question has been prepared on the basis of date of acquiring Secondary School Certificate (SSC) which is in accordance with law i.e Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003 (prescribed in Judicial Esta Code, Page 233-240), reproduced herein below:

"..... For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:

a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and

b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official."

ATTESTED

09 JUL 2020

(Examiner)
Session Court Peshawar

(17)

Contd...

ORDER

01/07/2020

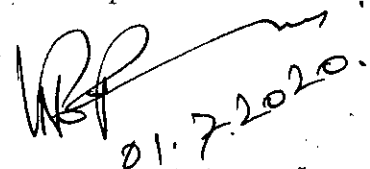
The appellants/officials have also referred to the guidelines for the subject purpose enumerated in august Peshawar High Court's letter No. 2315-49/SDJ/REG dated 24/04/2019. Relevant portion of the same is reproduced as under:

"In one case, it refers to those persons who are appointed in one batch and among them, one who acquired SSC prior in time will stand senior in common seniority list to the other who acquired SSC later in time. In the second case, it will refer to those persons who at the time of appointment did not possess such qualification and acquired it during service. In this case, the person who acquired the SSC prior in time will stand senior to the other in common seniority list irrespective of their seniority in terms of date of appointment".

Bare perusal of the abovementioned rule and guideline of august High Court, it transpires that seniority of Class-IV officials is based upon the date of their acquiring SSC and not on the date of appointment. The length of service/batch of a class-IV official for the purpose of seniority will only be considered if two or more officials have passed SSC examination in the same year/session.

In view of the above, placement of appellants/officials in Seniority List is legal and in accordance with the prevailing laws/rules, hence, the appeals in hand being devoid of merit are hereby dismissed.

File be consigned to Record Room after completion.



[Muhammad Younas]
District & Sessions Judge,
Peshawar.

ATTESTED

09 JUL 2020

(Examiner)
Session Court Peshawar

(18)



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419
eMail: scPeshawar@yahoo.com
web: SessionsCourtPeshawar.gov.pk

No. 3773-76
Dated Peshawar 08/07/2020

NOTIFICATION

In terms of sub-Section 5 of section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, final Seniority List prepared under sub-section (1) of the Act ibid, in respect of the class-IV officials of this Sessions Division, for the posts/cadres of Naib Qasid, Chowkidar, Sweeper, Mali and Water Carrier is hereby revised and notified for the year 2020.

[MUHAMMAD YOUNAS]
District & Sessions Judge,
Peshawar. 08/07/2020

Endorsement No. 3773-76 Dated Peshawar, the 08/07/2020

Copy forwarded for information to:

1. The Senior Civil Judge (Admn), Peshawar.
2. The Superintendent, Sessions Court, Peshawar
3. The Incharge Record Room, Sessions Court, Peshawar.
4. The Information KIOSK, New Judicial Complex, Peshawar

District & Sessions Judge,
Peshawar

08/07/2020

ATTESTED

09 JUL 2020

(Examiner)
Session Court Peshawar

2



The
PESHAWAR HIGH COURT
Peshawar

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

Extn: 0210140-58
Off: 0210135
Fax: 0210170
www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
peshph@gmail.com

No: 6227-61 /SDJ/HRW/ADMIN

Dated Pesh. the 30/03/2022

To

All the District & Sessions Judges/Zilla Qujis,
Khyber Pakhtunkhwa

Subject: GUIDELINES IN RESPECT OF MAINTAINING COMMON SENIORITY LIST OF NAIB QASIDS, SWEEPERS, CHOWKIDARS ETC. FOR THE PURPOSE OF PROMOTION TO THE POST OF JUNIOR CLERK

Dear Sir/Ma'am,

In continuation of this Court's letter No. 2315-49/SDJ/REG dated 29th April, 2019 (Page 503 & 504 of the Judicial Estacode 2021, Vol-II) with regard to maintaining common seniority list of the holders of various posts for promotion to the post of Junior Clerk, I am directed to say that in case where the officials in common seniority list have been appointed in two different batches with varying dates of acquisition of SSC, the official(s) appointed in the first batch will rank senior to the official(s) appointed in the subsequent batch, irrespective of their date of acquisition of SSC. Following illustration elucidates the situation.

If A, having acquired SSC in 2005, has been appointed in 2010 and;
B, having acquired SSC in 2000, has been inducted in 2015; A will rank senior to B.

Sincerely yours,


AABID SARWAR
ADDITIONAL REGISTRAR (ADMIN)
FOR REGISTRAR

Endst No: 6262 /SDJ/HRW/ADMIN

Dated Pesh. the 30/03/2022

Copy forwarded to the District & Sessions Judge, Bannu, w/r to his letter No. 80/DSJ dated 19/01/2022


AABID SARWAR
ADDITIONAL REGISTRAR (ADMIN)

وکالت نامہ


بعدالت: صفا۔ سرویس ٹریڈنگ کمپنی


سید انور حسین بنام عدالت دہلی

منجانب ریسپونڈنٹ دعویٰ

تاریخ 20.7.2020

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی بمقام لے۔۔۔۔۔ کیلئے جاویداقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کو بدین شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مقرر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مقرر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹا لشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا بیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔ مورخہ 20.7.2020

Accepted
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سید انور حسین ریسپونڈنٹ


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal. No. 8645/2020

Saeed-Ur-Rehman..... Petitioners

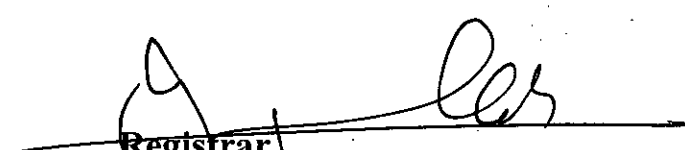
VERSUS

The Registrar, PHC and another Respondents

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Respondent No. 1 & 2.


~~Registrar,~~
Peshawar High Court,
Peshawar.


District & Sessions Judge,
Peshawar.

Dated: 26.02.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal. No. 8645/2020

Saeed-Ur-Rehman..... Petitioners

VERSUS

The Registrar, PHC and anotherRespondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1.

Respectfully Sheweth,

Preliminary Objections:

- I. That as per Section 22(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 3 of the Khyber Pakhtunkhwa Appeal Rules, 1986 contemplate right of departmental appeal/Representation to a civil servant. Page-14 of the Service Appeal transpires that appellant being aggrieved from the Tentative Seniority List filed departmental appeal on 13.02.2020 which was decided vide impugned appellate order dated 01.07.2020. Thus prayer as sought out by the appellant and that of in departmental appeal are outright different from each other.

- II. That Page-14 of the Service Appeal will further clear that appellant being dissatisfied preferred departmental appeal/Representation. As it has been held in Service Appeal No.6/2021 by the Hon'ble Subordinate Judiciary Service Tribunal that under the law no departmental appeal can be preferred against Provisional Seniority List because it does not determine the rights of the civil servants rather it is issued just for soliciting objections from the civil servants where-after a final one is issued. Reliance is placed on **PLD 1981 Supreme Court 612.**



BEFORE THE KHYBER PAKHTUNKHA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 8042/2020

Saeed-Ur-Rehman..... Petitioners

VERSUS

The Registrar, PHC and another..... Respondents

Affidavit

I, Asif Ullah Taji, District & Sessions Judge, Peshawar, do hereby affirm and declare on oath that the contents of this Written Statement/Reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Court.

Deponent

ATTESTED
17/08/2020
[Signature]

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A 8645/2020

Saeed ur Rehman

Versus

The Registrar, PHC & Others

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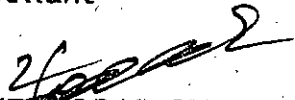
S#	Description of Documents	Annex	Pages
1.	Rejoinder		1-3.
2.	Affidavit.		4

Dated: 17/06/2022



Appellant

Through


JAVED IQBAL GULBELA,
Advocate, Supreme Court of
Pakistan

Off Add: B-1, Al-Nimrah Centre, Govt College Chowk Peshawar

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

In S.A 8645/2020

Saeed ur Rehman

Versus

The Registrar, PHC & Others

REJOINDER ON BEHALF OF THE APPELLANT TO THE COMMENTS
FILED BY THE RESPONDENTS NO. 01.

Respectfully Sheweth,

Reply to Preliminary Objections:

- I. Para "I" of the preliminary objection raised & agitated by the Respondents is misconceiving, misleading, incorrect & hypocritic, hence sternly denied.
- II. Para "II" of the preliminary objection raised & agitated by the Respondents is misconceiving, misleading, incorrect & hypocritic, hence sternly denied.
- III. Para "III" of the preliminary objections is incorrect, misleading & illegal, therefore sternly denied.
- IV. Para "IV" of the preliminary objections is incorrect, misleading & hypocritic, as well as illegal and unlawful; therefore sternly denied.
- V. Para "V" of the preliminary objections raised & agitated by the Respondents are incorrect,

illegal, unlawful, void-ab-initio, misleading & hypocritic, hence are denied sternly.

VI. Para "VI" of the preliminary objections is incorrect, fabricated, concocted, misleading & hypocritic, therefore sternly denied. Moreover the appellant made all necessary parties on the panel of respondents.

VII. Para "VII" of the preliminary objections is incorrect, illegal, unlawful and against the law; therefore sternly denied.

VIII. Para "VII" & Para "VIII" of the preliminary objections are incorrect, fabricated, concocted, misleading & hypocritic; Hence sternly denied. Moreover the appellant came to this Hon'ble Tribunal for acknowledgement, recognition, protection and enforcement of his fundamental rights in shape of seniority and promotion in accordance with Law, Rules & Regulation.

IX. Para "IX" of the preliminary objections is incorrect, fabricated, concocted, misleading & hypocritic; Hence sternly denied.

On Facts:

1. To 3. Para of the comments need no reply.

4. Para "4" of the comments needs no reply.

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5. & 6 Para of the comments are hypocritic, hence denied. While the corresponding Para of the main appeal are true and correct.

7 & 8 Para of the comments needs no reply.

On Grounds:

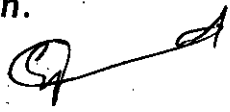
- A. Para "A" of the comments is incorrect, false, misleading, illegal and unlawful, hence sternly denied.
- B. Para "B" of the comments is incorrect, false, misleading, illegal and unlawful, hence sternly denied. While the corresponding Para of the main appeal is true and correct.
- C. Para "C" of the comments is incorrect, false, misleading, illegal and unlawful, hence sternly denied. While the corresponding Para of the main appeal is true and correct.
- D. Para "D" of the comments is incorrect and denied, while that of the main appeal is correct.

Para "E" to "G" of the comments are incorrect, false, concocted, illegal, unlawful and against the law as well as hypocritic; therefore sternly denied. Moreover True, legal, lawful, correct and detailed picture has already been portrayed in the main appeal as well as in the preceding paras.

It is, therefore, humbly prayed that on acceptance of the instant rejoinder, the appeal of the Appellant may graciously be allowed, as prayed for therein.

Dated: 017/06/2022.

Through


Appellant

Javed Iqbal Gulbela
ASC

Saghir Iqbal Gulbela
&

Ahsan Sardar
Advocates, High Court
Peshawar.

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

In S.A 8645/2020

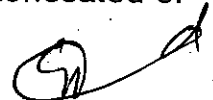
Saeed ur Rehman

Versus

The Registrar, PHC & Others

AFFIDAVIT

I, the Appellant, do hereby solemnly affirm and declare that all the contents of the accompanied rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.



DEPONENT

CNIC:

Cell No.

Identified By:

Javed Iqbal Gulbela
ASC

